

Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FISCAL YEAR 2010 BUDGET SUPPORT ACT OF 2009

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29 **TITLE VIII. EFFECTIVE DATE**

30
31 To enhance support for certain technology services of the District of Columbia
32 government and facilitate the provision of those services by authorizing modest
33 fees to support the services and establishing a dedicated account to collect such
34 fees; to amend the District of Columbia Unemployment Compensation Act to
35 continue the current administrative assessment through 2014; to amend the
36 Procurement Practices Act of 1985 to create the District of Columbia Revenue,
37 Rebate and Fee Operating Fund to be used by the Chief Procurement Officer to
38 operate and maintain programs within the Office of Contracting and Procurement;
39 to support the Office of Attorney General litigation efforts on behalf of the
40 District; to establish that the Office of the Chief Technology Officer – Department
41 of Telecommunication Governance shall have the authority to uncertified and
42 disconnect unused landlines, wireless phone lines and data circuits assigned to
43 District agencies; to remove out dated language that requires the Office of
44 Document to staff with no fewer than 7 positions and the salaries totaling at least
45 \$150,000; to amend the District of Columbia Comprehensive Merit Personnel Act
46 to limit to 10 the number of legal public holidays in the District of Columbia; to

1 amend the DCMR by changing the fee schedule for charging the administrative
2 cost of the fund for the abatement of nuisances in DC and institute a fee to cover
3 proactive inspection cost of DCRA; to provide at least twice a month by
4 electronic mail with a current list of applications for construction, demolition and
5 public space permits within the boundaries of their Advisory Neighborhood
6 Commission; to establish a fee to recover the cost of preparing and issuing zoning
7 compliance letters to bring the District into conformity with surrounding
8 jurisdictions; to amend An Act To establish a code of law for the District of
9 Columbia to establish an Enhanced Surveyor Function Fund, to provide that all
10 fees collected by the Office of the Surveyor be deposited in the Fund, to provide
11 that all revenue credited to the Fund be used for upgrading the surveying systems
12 and enhancing customer service, and to revise the schedule of fees collected by
13 the Office of the Surveyor; to modify business license processing by transferring
14 50% of civil infractions fines to the basic business license (BBL) O-type fund,
15 place responsibility on renewing BBL's on owners, assess late fees on lapsed
16 business licenses and provide expedited services for a fee; to authorize certain
17 deposits into the Economic Development Special Account; to authorize certain
18 expenditures for the purposes of community development and neighborhood
19 revitalization; to modify certain technical procedures for accounting for
20 community development funds provided by the federal government; to update the
21 required contents of the implementation plan submitted to the Council pursuant to
22 the Neighborhood Investment Act of 2004; to authorize the Neighborhood
23 Investment Fund to operate under a previously approved implementation plan
24 pending approval of an updated implementation plan; to provide tax abatement to
25 the Pew Charitable Trusts for certain office space leased to non-profits at below-
26 market rents; to provide financial incentives to motion picture and television
27 productions located in the District; to merge the Washington Convention Center
28 Authority and the District of Columbia Sports and Entertainment Commission,
29 repeal the Omnibus Sports Consolidation Act of 1994, and make conforming
30 amendments; to repeal the Children's Island Development Plan Act of 1993; to
31 clarify the distribution between affordable for-sale and rental units in the
32 Anacostia Development Zone; to establish the earliest date by which the closing
33 on the conveyance of the Southwest Waterfront Properties may occur; to amend
34 the percentage of funds allocated for the administration of the Housing Production
35 Trust Fund to not to exceed in a fiscal year 20% of the funds deposited into the
36 Fund; to increase the rental unit fee; to permit donations or restitution into the
37 fund by private individuals and from recoveries from enforcement action by the
38 Office of Attorney General for the abatement of property violations; to amend the
39 District of Columbia Good Time Credits Act of 1986 to ensure that all
40 incarcerated individuals are provided the incentive and opportunity to earn good
41 time credits for education and meritorious behavior for participation in programs
42 by repealing the requirement for completion of an entire course, in order to
43 account for the average length of time of stay by inmates; to establish the Office
44 of the Attorney General Litigation Support Fund to be used by OAG to support
45 litigation expenses associated with defending or prosecuting litigation cases on
46 behalf of the District of Columbia or District agencies; to increase the fees in

1 order for the operations and maintenance of the Unified Communication and
2 Public Safety Communication Center communications and infrastructure; to
3 amend the Civil Legal Services Amendment Act of 2007 to require the District of
4 Columbia Bar Foundation to submit quarterly reports to the Council and the
5 Office of the Attorney General detailing the funds spent by recipients of civil
6 legal services subgrants on activities associated with litigation against the District
7 of Columbia and authorize the Attorney General to issue rules governing the
8 administration of the civil legal services grant program; to amend the Rights of
9 Mentally Retarded Citizens Act of 1979 to permit the District of Columbia to seek
10 the civil commitment of persons 14 years old and under found incompetent to
11 proceed based on mental retardation; to amend the definition of "individual found
12 incompetent in a criminal case" to include crimes against property and
13 delinquency proceedings; to add a definition of "delinquency proceedings"; and to
14 authorize the court to order the participation of parents and guardians in the
15 habilitation and care of persons found incompetent to proceed based on mental
16 retardation; to amend current law to reflect the District's new education
17 governance structure and to clarify that all local educational agencies must meet
18 state academic standards established by the Office of the State Superintendent of
19 Education; to provide that the programs and operations of public charter schools
20 are subject to review by the OIG and by DC Auditor; to establish funding levels
21 and per-student weightings for the FY 2010 Uniform Per Student funding
22 Formula and to clarify that local educational agencies receiving UPSFF funds
23 shall comply with state-level regulations and standards; to establish a funding
24 amount for the charter school facilities allotment and to clarify permissible uses
25 for the facilities allotment; to amend the Grandparent Caregivers Pilot Program
26 Establishment Act of 2005 to make permanent the program through which a
27 grandparent may be eligible to receive subsidy payments for the care and custody
28 of a child; to amend the Department of Health Functions Clarification Act of 2001
29 to permit the Director of the Department of Health to issue grants for specified
30 purposes; to provide authority to issue grants; to amend An Act to enable the
31 District of Columbia to receive federal assistance under title XIX of the Social
32 Security Act for a medical assistance program and for other purposes to authorize
33 the Mayor to submit medical assistance plans to the Secretary of the United States
34 Department of Health and Human Services; to amend the Rights of Mentally
35 Retarded Citizens Act of 1979 to permit the District of Columbia to seek the civil
36 commitment of persons 14 years old and under found incompetent to proceed
37 based on mental retardation; to amend the definition of "individual found
38 incompetent in a criminal case" to include crimes against property and
39 delinquency proceedings; to add a definition of "delinquency proceedings"; and to
40 authorize the court to order the participation of parents and guardians in the
41 habilitation and care of persons found incompetent to proceed based on mental
42 retardation; to amend the Department of Youth Rehabilitation Services
43 Establishment Act of 2004 to include grant-making authority among the duties
44 and powers of the Director of the Department of Youth Rehabilitation Services; to
45 amend The Motor Vehicle Services Fees and Driver Education Support Act of
46 1982 to allow the Mayor discretion to use the Driver Education Program Fund for

1 Department of Motor Vehicle functions and to amend The District of Columbia
2 Traffic Adjudication Act of 1978 to eliminate adjudication for participants in the
3 fleet program; to amend Title 18 of the District of Columbia Municipal
4 Regulations to eliminate most vehicle safety inspection; to amend Chapter 24 of
5 Title 18 of the District of Columbia Municipal Regulations to increase parking
6 meter rates and to repeal the Saturday Moratorium; to repeal section 2 of the
7 Parking Meter Fee Moratorium Act of 2004 to increase parking meter rates; and
8 to repeal the Equitable Parking Meter Rates Temporary Amendment Act of 2009;
9 to amend the Department of Transportation Establishment Act of 2002 to clarify
10 that public space rental fees and certain fines moving violations for overweight
11 vehicles are to be deposited in the District Department of Transportation Unified
12 Fund; to amend the Performance Parking Pilot Zone Act of 2008 to enable the
13 District Department of Transportation (DDOT) to better manage allocated
14 expenditures by releasing restrictions placed on DDOT revenue; to modify the
15 purposes for which the money in the District of Columbia Taxicab Commission
16 Fund may be used; to amend the Motor Vehicle Theft Prevention Act of 2008 and
17 the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 by repealing
18 provisions restricting the deposit of revenue from motor vehicle insurance fines;
19 to create a fee for the operation and maintenance of street lights in the District of
20 Columbia; to ensure that several key economic development acts introduced by
21 the Mayor and approved by the Council can be implemented; to amend Chapter
22 20 of Title 47 of the District of Columbia Official Code to eliminate time-
23 sensitive exemptions to the applicability of the gross sales tax; to amend Title 47
24 of the DC Official Code to clarify in the counting of days for due date purposes
25 that legal holidays and weekends are excluded; to provide that the Mayor may
26 remove for cause a member of the Board or Real Property Assessments and
27 Appeals; to provide for single-member Board panels in the case of small
28 assessment appeals; to provide for the publication of BRPAA decision results on
29 the internet; to change the number of days for scheduling a hearing and
30 responding to a petition and convert to calendar days versus business days; to
31 provide that the assessor's worksheet shall be deemed the Mayor's response as
32 may be supplemented; to provide that an appraisal submitted to BRPAA by the
33 owner or the Mayor shall be subject to full disclosure to BRPAA, including work
34 papers and data sources; to clarify that the Board is charged with determining the
35 estimated market value of real property under an assessment appeal; to clarify that
36 the petitioner has the burden of proof to demonstrate that an assessment does not
37 reflect estimated market value; and to provide that the Mayor may appeal a Board
38 decision to the Superior Court, except in the case of a single family house or
39 condominium unit; to amend Title 47 of the District of Columbia Official Code so
40 that the Class 2 property tax rate for fiscal year 2010 and each year thereafter is
41 the same rate as the rate in effect for fiscal year 2009; to establish certain one-
42 time uses of funds in the Neighborhood Investment Fund; to amend section 47-
43 392.02(j-1) of the District of Columbia Official Code to provide that the operating
44 cash reserve may be funded by annual appropriations and to repeal provisions
45 governing its use; to amend Subtitle I-B of the Fiscal Year 2008 Budget Support
46 Act of 2007 to eliminate the authority of the Office of Partnerships and Grants

1 Development to establish reporting guidelines for grants administered by the
2 District government; to repeal certain provisions of the School Modernization
3 Financing Act of 2006; to amend Chapter 8 of Title 47 of the District of Columbia
4 Official Code to eliminate the owner-occupant residential conditional tax credit;
5 to alter calculation of the capped tax credits granted for real property receiving the
6 homestead deduction; to amend Chapter 18 of Title 47 to repeal section 47-
7 1803.03(a)(19) and to add section 47-1803.03(d)(8) to disallow for District of
8 Columbia income tax purposes the interest expense and intangible expense that
9 are directly or indirectly paid, accrued, or incurred to, or in connection directly or
10 indirectly with one or more direct or indirectly transactions with, one or more
11 related members; to amend the Real Estate Deed Recordation Tax Act of 1962 to
12 clarify that transfers of shares in a cooperative housing association are subject to
13 taxes levied on the transfer of economic interests; to amend the Title 47 of the
14 D.C. Official Code to set fixed values for the homestead deduction, standard
15 deduction, and personal exemption; to amend Title 47 of the D.C. Official Code
16 by adding a new chapter, to allow for the suspension of penalties for a designated
17 period in fiscal period 2010; to amend Title 47 of the D.C. Official Code to
18 decouple certain District tax deductions from Internal Revenue Code provisions
19 amended by the American Recovery and Reinvestment Act of 2009.
20

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

22 That this bill may be cited as the “Fiscal Year 2010 Budget Support Act of 2009”.

23 TITLE I. GOVERNMENT DIRECTION AND SUPPORT

24 SUBTITLE A. ONE CARD SERVICE SUPPORT.
25

26 Sec. 1001. Short Title.

27 This subtitle may be cited as the “Technology Services Support Act of 2009”.

28 Sec. 1002. Definitions

29 For the purposes of this act, the term:

30 (1) “District” means the District of Columbia.

31 (2) “DC One Card” means a credential issued by the District of Columbia

32 government as a single credential for purposes of accessing multiple District facilities,
33 programs, and benefits, including but not limited to D.C. Public Libraries, facilities of the
34 Department of Parks and Recreation, and D.C. Public Schools.

1 (3) “Electronic chip” means a smart chip, radio frequency identification chip, or
2 other contact or contact-less electronic media (including, but not limited to, a Washington
3 Metropolitan Area Transit authority Smartrip chip) embedded in a DC One Card to be
4 read by participating agencies and programs for identification of the cardholder.

5 Sec. 1003. (a) There is established a nonrefundable fee of \$5 for replacement of
6 any DC One Card that contains an electronic chip. This fee shall be termed the “DC One
7 Card replacement fee.”

8 (b) The DC One Card replacement fee shall be collected by the agency
9 issuing the replacement card (including, but not limited to, the D.C. Public Libraries, the
10 D.C. Public Schools, the Department of Parks and Recreation, or the Office of the Chief
11 Technology Officer) at the point of issuance of the replacement card.

12 (c) All collections of the DC One Card replacement fee shall be deposited
13 in the DC One Card Replacement Fund established in Section 1004.

14 Sec. 1004. (a) There is established a segregated non-lapsing fund designated as
15 the DC One Card Replacement Fund (“Fund”), which shall be separate from the General
16 Fund of the District of Columbia and shall be used solely for the purposes set forth in
17 subsection (b) of this section. The DC One Card Replacement Fund shall be funded by
18 collections of the DC One Card replacement fee. All monies collected from these fees,
19 and all interest earned on those monies, shall be deposited into the collections of the DC
20 One Card Replacement Fund without regard to fiscal year limitation pursuant to an act of
21 Congress. All monies deposited into the DC One Card Replacement Fund shall not revert
22 to the General Fund of the District of Columbia at the end of any fiscal year or at any
23 other time, but shall be continually available for the uses and purposes set forth in

1 subsection (b) of this section, including administrative costs and monitoring of the Fund,
2 subject to authorization by Congress in an appropriations act.

3 (b) The DC One Card Replacement Fund shall be used solely to defray
4 operational costs of the Office of the Chief Technology Officer related to the provision of
5 replacement DC One Cards. The DC One Card Replacement Fund shall not be used for
6 any other purpose.

7 (c) The Mayor shall submit to the Council, as a part of the annual budget, a
8 requested appropriation for expenditures from the DC One Card Replacement Fund. Any
9 monies received but not expended in a given fiscal year shall be retained by the DC One
10 Card Replacement Fund.

11 Sec. 1005. Rulemaking.

12 The Mayor is authorized to promulgate rules necessary to implement this act.

13 Sec. 1006. Fiscal impact statement.

14 The Council adopts the fiscal impact statement of the Chief Financial Officer as
15 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
16 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
17 206.02(c)(3)).

18 SUBTITLE B. UNEMPLOYMENT COMPENSATION MODERNIZATION.

19 Sec. 1007. Short title.

20 This subtitle may be cited as the “Unemployment Compensation Modernization
21 Amendment Act of 2009”.

22 Sec. 1008. Section 3(m) of the District of Columbia Unemployment
23 Compensation Act, effective October 20, 2005 (D.C. Law 16-33 Official Code § 51-103

1 (m), is amended by Striking the date “2008” where it appears in subsection (3) add
2 inserting in its place the date “2013”.

3 Sec. 1009. Fiscal impact statement.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer as
5 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
6 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 SUBTITLE C. EFFICIENT PROCUREMENT PRACTICE.

9 Sec. 1010. Short title.

10 This subtitle may be cited as the “District of Columbia Revenue, Rebates and Fee
11 Operating Fund Act of 2009”.

12 Sec. 1011. Section 1103 of the District of Columbia Procurement Practices Act
13 of 1985, effective November 13, 2003 (D.C. Law 15-39; D.C. Official Code § 2-311.03),
14 is amended as follows:

15 (a) The section designation is amended to read as follows:

16 “Sec. 2-311.03. District of Columbia Revenue, Rebate and Fee Operating Fund.”

17 (b) Subsection (a) is amended to read as follows:

18 (1) Paragraph (1) is amended to read as follows:

19 “(1) “Collected Funds” means all funds collected pursuant to subsection (b)
20 of this section in a current fiscal year and all interest earned on those funds including, but
21 not limited to, funds collected under the District of Columbia Supply Schedule, the
22 District’s Purchase Card Program, cooperative purchasing agreements, or any other

1 revenue, rebates, or fees generated by programs administered by the Office of
2 Contracting and Procurement.”

3 (2) A new paragraph (3) is added to read as follows:

4 “(3) “Purchase Card Program” means the credit card program under which
5 agencies are authorized to make purchases for supplies or services.”

6 (c) Subsection (b) is amended as follows:

7 (1) By adding “(1)” immediately after the subsection number.

8 (2) By revising the new paragraph (b)(1) as follows:

9 “(1) The Chief Procurement Officer may charge and collect, on a quarterly
10 basis, a fee in an amount to be determined by regulation, on all sales, purchase orders,
11 delivery orders, task orders, and purchase card transactions made under contracts
12 awarded to contractors under the DCSS.”

13 (3) By adding a new paragraph (2) that reads as follows:

14 “(2) Subject to the terms of any memoranda of understanding with the Chief
15 Financial Officer regarding adherence to the applicable requirements of federal grants,
16 loans, or other extensions of credit to the District, the Chief Procurement Officer may
17 collect any rebates issued to the District by the purchase card issuers under the District’s
18 Purchase Card Program.”

19 (d) Subsection (c) is amended to read as follows:

20 “(c) There is established a fund designated as the District of Columbia
21 Revenue, Rebate and Fee Operating Fund (“Fund”) which shall be separate from the
22 General Fund of the District of Columbia.”

23 (e) Subsection (d) is amended to read as follows:

1 “(d) All Collected Funds shall be deposited into the Fund without regard to fiscal
2 year limitation pursuant to an act of Congress and, except as provided in this
3 section, shall not be transferred or revert to the General Fund of the District of
4 Columbia.

5 (f) Subsection (e) is amended to read as follows:

6 “(e) The Fund shall be continuing and non-lapsing, and shall not revert to the
7 General Fund of the District of Columbia at the end of any fiscal year or at any time, but
8 shall be continually available to the Chief Procurement Officer for the uses and purposes
9 set forth in subsection (f) of this section.”

10 (g) A new subsection (f) is added to read as follows:

11 “(f) Subject to authorization by Congress in an appropriations act, the Chief
12 Procurement Officer shall use Collected Funds to pay the costs associated with operating
13 and maintaining existing programs within the Office of Contracting and Procurement.”

14 (h) A new subsection (g) is added to read as follows:

15 “(g) Nothing in this section shall be construed as prohibiting or limiting the
16 allocation of additional funds from the revenues of the District of Columbia for the
17 purposes designated in subsection (f) of this section.”

18 Sec. 1012. Fiscal impact statement.

19 The Council adopts the fiscal impact statement of the Chief Financial Officer as
20 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
21 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE D. CONSUMER PROTECTION FUND AMENDMENT.

1 Sec. 1013. Short title.

2 This subtitle may be cited as the “Consumer Protection Fund Amendment Act of
3 2009”.

4 Sec. 1014. Chapter 39 of Title 28 of the District of Columbia Official Code is
5 amended as follows:

6 (a) Section 28-3911(a) is amended by deleting the phrase “Corporation Counsel”
7 wherever it appears and replacing it with “Office of the Attorney General”.

8 (b) Section 28-3911(b) is amended by deleting the phrase “Corporation Counsel”
9 and replacing it with “Office of the Attorney General”.

10 (c) Section 28-3911(b)(1) is amended by deleting the phrase “28-3905(i)(4);” and
11 replacing it with the phrase “28-3905(i)(4) and in other consumer matters;”.

12 Sec. 1015. Fiscal impact statement.

13 The Council adopts the fiscal impact statement of the Chief Financial Officer as
14 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
15 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
16 206.02(c)(3)).

17 SUBTITLE E. OFFICE OF DOCUMENTS PERSONNEL.

18 Sec. 1016. Short Title.

19
20 This subtitle may be cited as the “District of Columbia Documents Act of 1978
21 Amendment Act of 2009”

22 Sec. 1017. Section 2 (f) of the District of Columbia Documents Act of 1978 is
23 repealed.

24 Sec. 1018. Fiscal Impact Statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE F. TELECOMMUNICATION ACCOUNTABILITY.

6 Sec. 1019. Short title.

7 This subtitle may be cited as the “Telecommunication Accountability Act of
8 2009”.

9 Sec. 1020. Accountability for telecommunication services and charges.

10 Section 1814 of the Office of the Chief Technology Officer Establishment Act of
11 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1403) is
12 amended as follows:

13 (a) In paragraph (8) delete the word “and”;

14 (b) In paragraph (9) delete the period at the end of the sentence and add the
15 phrase “; and” in its place;

16 (c) Add a new paragraph (10) to read as follows:

17 “(10) Review the use of landlines, wireless phone lines and data for which the
18 District pays for telecommunication services and to decertify and disconnect such
19 services whenever not in active use, and to require District agencies to annually re-certify
20 all inventory in the Fixed Cost Management System of active landlines, wireless phone
21 lines and data circuits. The Office shall have the authority to disconnect landlines in
22 favor of wireless devices and vice versa based on usage analysis and in consultation with
23 agency directors. In addition, the Office shall have the authority to review and reject any

1 requests for telecommunication services which do not comply with the technology
2 standards of the Office.”

3 Sec. 1021. Fiscal Impact Statement.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer as
5 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
6 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 SUBTITLE G. LEGAL PUBLIC HOLIDAY.

9 Sec. 1022. Short title.

10 This subtitle may be cited as the “Legal Public Holiday Amendment Act of
11 2009”.

12 Sec. 1023. Subsection 1202(a) of the District of Columbia Comprehensive Merit
13 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §
14 1-612.02(a)), is amended as follows:

15 (a) Paragraph 9 is amended by striking the phrase “each year;” and inserting in its
16 place the phrase “each year; and” in its place.

17 (b) Paragraph 10 is amended by striking the phrase “each year; and” an inserting
18 phrase “each year.” In its place.

19 (c) Paragraph 11 is amended by striking the paragraph in its entirety.

20 Sec. 1024. Fiscal impact statement.

21 The Council adopts the fiscal impact statement of the Chief Financial Officer as
22 the fiscal impact statement required by section 602(c)(3) of the District of Columbia

1 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
2 206.02(c)(3)).

3 TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

4 SUBTITLE A. PROACTIVE ABATEMENT OF NUISANCE PROPERTIES.

5 Sec. 2001. Short title.

6 This subtitle may be cited as the “Administrative Abatement and Proactive
7 Abatement Fee Amendment Act of 2009”.

8 Sec. 2002. Chapter 2 of Title 14 of the District of Columbia Municipal
9 Regulations (DCMR § 14-220.1) is amended as follows:

10 (a) Subsection (c) of section 14-220.1 is amended to read as follows:

11 “(c) A fee to cover the administrative costs of the fund established pursuant to
12 subsection 1(b)(1) of An Act To provide for the abatement of nuisances in the District of
13 Columbia by the Commissioners of the District, and for other purposes, approved April
14 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 (2008 Supp.), of twenty five
15 percent (25%) of the abatement costs or one hundred fifty dollars (\$ 150.00) base fee and
16 thirty dollars (\$ 30.00) for each additional hour, whichever is greater.”

17 (b) A new section (d) is added to section 14-220.1 to read as follows:

18 “(d) A fee to cover proactive inspection costs of the Department of Consumer and
19 Regulatory Affairs of thirty-five dollars (\$35) per unit on rental accommodations of three
20 (3) units or more shall be charged biennially. The charge shall not exceed two thousand
21 dollars (\$2000.00) biennially. The fee shall be deposited in the Nuisance Abatement
22 Fund established pursuant to D.C. Official Code §42- 3131.01(b)(1)(A).”

23 Sec. 2003. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE B. EXPEDITED ADVISORY NEIGHBORHOOD COMMISSIONS
6 PERMIT NOTIFICATION.

7 Sec. 2004. Short title.

8 This subtitle may be cited as the “Expedited Advisory Neighborhood
9 Commissions Permit Notification Amendment Act of 2009”.

10 Sec. 2005. Section 13(c)(3) of the Advisory Neighborhood Commission Act, as
11 amended, effective October 26, 1977 (D.C. Law 2-30; D.C. Official Code § 1-
12 309.10(c)(3)) is amended as follows:

13 “(3) The Department of Consumer and Regulatory Affairs shall ensure that each
14 Advisory Neighborhood Commissioner is provided with a current list of applications for
15 construction, demolition and public space permits within the boundaries of their Advisory
16 Neighborhood Commission. The list shall also be provided to Commission Offices, the
17 affected ward Councilmember and the Office of Advisory Neighborhood Commissions.”

18 Sec. 2006. Fiscal impact statement.

19 The Council adopts the fiscal impact statement of the Chief Financial Officer as
20 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
21 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE C. ZONING ENHANCED CUSTOMER SERVICES.
24

1 Sec. 2007. Short title.

2 This subtitle may be cited as the “Zoning Enhanced Customer Services Act of
3 2009”.

4 Sec. 2008. Section 7A of the Construction Codes Approval and Amendments Act
5 of 1986, effective March 21, 1987(D.C. Law 6-216: D.C. Official Code § 6-1401 *et seq.*)
6 is amended as follows:

7 Section 6-1406.01 is amended as follows:

8 (1) Subsection (a) is amended by inserting the phrase “and for fees, as established
9 by the Mayor by rule, for administrative services rendered by the Office of the Zoning
10 Administrator” after the phrase “Title 11 of the District of Columbia Municipal
11 Regulations”.

12 (2) Subsection (b) is amended by adding a new subsection (5) to read as follows:
13 “(5) To pay for enhanced customer service delivery”

14 Sec. 2009. Schedule of fees.

15 (a) The Office of Zoning Administrator administrative fees shall be set as
16 follows:

17 (1) Zoning compliance letters (single lot): \$25.00.

18 (2) Zoning compliance letters (all other requests): \$100.00.

19 Sec. 2010. Fiscal impact statement.

20 The Council adopts the fiscal impact statement of the Chief Financial Officer as
21 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
22 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
23 206.02(c)(3)).

1 SUBTITLE D. DISTRICT OF COLUMBIA SURVEYOR AND SPECIAL
2 REVIEW REQUESTS ENHANCED CUSTOMER SERVICES.

3 Sec. 2011. Short title.

4 This subtitle may be cited as the “District of Columbia Surveyor and Special
5 Review Requests Enhanced Customer Services Amendment Act of 2009”.

6 Sec. 2012. Section 1593 of An Act To establish a code of law for the District of
7 Columbia, approved March 3, 1901 (31 Stat. 1426; D.C. Official Code § 1-1329) is
8 amended as follows:

9 (a) A new subsection (e) is added to read as follows:

10 “(e) There is established as a nonlapsing fund the “Enhanced Surveyor
11 Function Fund” (“Fund”), to be administered by the Department of Consumer and
12 Regulatory Affairs. The Fund shall be credited with all fees that are identified in this
13 chapter, including those issued under subsection (a) of this section.”

14 (b) A new subsection (f) is added to read as follows:

15 “(f) All fees collected by the Office of the Surveyor shall be deposited into the
16 Fund by the Treasurer of the District of Columbia and shall not revert to the unrestricted
17 fund balance of the General Fund of the District of Columbia at the end of a fiscal year,
18 or at any other time, but shall be continually available for the uses and purposes set forth
19 in this chapter without regard to fiscal year limitation, subject to authorization by
20 Congress.”

21 (c) A new subsection (g) is added to read as follows:

22 “(g) Revenue credited to the Fund shall be expended by the Department of

1 Consumer and Regulatory Affairs, for the purposes of maintaining and upgrading the
2 surveying systems, and enhancing Departmental customer service delivery.”

3 Sec. 2013. Adjustment of fees

4 (a) The Office of the Surveyor fees published in the District of Columbia
5 Register at 49 DCR 11562 shall be adjusted as follows:

6 (1) Building Plats (up to 3 usual shaped lots): \$50.00.

7 (2) Registration of Land Surveyors (renewal of certification): \$75.00.

8 (3) Registration of Land Surveyors (application): \$125.00

9 (4) Street and Alley Closings or Revisions (closing application initial
10 processing stage: \$2,500.00.

11 (5) Subdivision of Land Plats (up to 3 usual-shaped lots): \$400.00.

12 (6) Subdivision of Land Plats (more than 3 usual-shaped lots): \$400.00.

13 (7) Private Surveyor’s Plat (filing wall examination report): \$50.00.

14 (8) Designation of a new address in the District of Columbia: \$25.00

15 (9) Fire Suppression Systems for Hoods and Ducts - Project Review Fees:

16 (i) 1 to 50 nozzles - \$6.00 each;

17 (ii) Each nozzle thereafter - \$3.00 each;

18 (iii) Minimum review fee - \$33.00.

19 (10) Construction modification requests filed pursuant to 12 DCMR §

20 104.10: \$175.

21 (11) Specialized shop drawing review requests: \$20 per hour.

22 (12) Elevator repair permit fee: 1% of construction cost (minimum
23 \$33.00).

1 (13) New elevator permit fee: \$85.00 per cab.

2 (b) Additional Office of the Surveyor fees shall be set as follows:

3 (1) Optional Surveyor's Preliminary Review Meeting sessions with Office
4 of Surveyor staff: \$30.00 per hour.

5 (2) Optional Surveyor's Preliminary Review Meeting sessions with the
6 District Surveyor: \$50.00 per hour.

7 (3) Optional Expedited Building Plats: \$75.00.

8 (4) Optional Electronic Building Plat: \$5.00

9 Sec. 2014. Fiscal impact statement.

10 The Council adopts the fiscal impact statement of the Chief Financial Officer as
11 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
12 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 SUBTITLE E. BUSINESS LICENSING NOTICE AND COMPLIANCE.

15 Sec. 2015. Short title.

16 This subtitle may be cited as the "Business Licensing Processing Adjustment Act
17 of 2009".

18 Sec. 2016. Chapter 28 of Title 47 of the District of Columbia Official Code is
19 amended as follows:

20 (a) Section 47-2851.10 is amended as follows:

21 (1) Subsection (a) is amended to read as follows:

22 "(a) The Department may, by electronic mail or other methods of communication,
23 send notice of impending license expiration, an application for renewal, and a statement

1 of the applicable renewal fee to each licensee within 30 days prior to the expiration date
2 at the mailing address or electronic mail address shown on the Department's records for
3 the licensee. It shall be the responsibility of the licensee to update the business address
4 information maintained by the Department.”.

5 (2) Subsection (b) is amended to read as follows:

6 “(b)(1) A license that has not been revoked, suspended, or voluntarily
7 relinquished and that has not been renewed by its expiration date shall be deemed to be
8 “lapsed”. A licensee may apply for renewal at any time within 30 days of the lapsing of
9 the license, and shall be reinstated upon the payment of a fine of \$250, in addition to all
10 other applicable fees, plus whatever additional fines or fees are provided by law.”.

11 (3) A new subsection (b)(2) is added to read as follows:

12 “(b)(2) A licensee whose license has lapsed for more than 30 days shall be
13 deemed to be expired. A licensee whose license has expired may apply for renewal at any
14 time more than 30 days but less than 6 months of the lapsing of the license, and shall be
15 reinstated upon the payment of a fine of \$500, in addition to all other applicable fees, plus
16 whatever additional fines or fees are provided by law.”.

17 (4) Subsection (c)(1) is repealed.

18 (5) Subsection (c)(2) is amended to read as follows:

19 “(c)(2) A licensee whose license has been expired for at least 6 months shall be
20 treated as a new applicant and not as an applicant for renewal, unless otherwise provided
21 by applicable law. If the new applicant conducted business during the 6 months after the
22 license expiration date without complying with the renewal procedures pursuant to this
23 section, the applicant shall be deemed to have conducted business without a license and

1 shall be liable for any and all fees and fines applicable to conducting business without a
2 license. No new application for a license may be processed until all applicable fines and
3 fees have been paid.”.

4 (b) The table of contents is amended by amending section 47-2851.13 to read as
5 follows: “47-2851.13. Establishment of Basic Business License Fund; disposition of
6 license fees and fines.”.

7 (c) Section 47.2851.13 is amended as follows:

8 (1) Subsection (b) is amended to read as follows:

9 “(b) All fees collected for the issuance of a basic business license and
10 endorsements, including renewals, late renewal penalties, and fines, shall be deposited in
11 the Fund by the Treasurer of the District of Columbia. Half of the total amount of fines
12 collected as a result of notices of infractions issued for basic business license violations
13 shall also be deposited in the Fund. The entire cost of the basic business licensing system
14 shall be paid from the Fund and no other appropriated funds may be used for that
15 purpose.”.

16 Sec. 2017. Section 121 (b) of the District of Columbia Business Corporation Act,
17 approved June 8, 1954 (68 Stat. 228, ch. 269, D.C. Official Code § 29-101.121 (b)) is
18 amended as follows:

19 (a) Paragraph (18) (D.C. Official Code § 29-101.121 (b) (18)) is amended by
20 striking the word “and”;

21 (b) The period in paragraph (19) (D.C. Official Code § 29-101.121 (b) (19)) is
22 replaced with a semicolon;

23 (c) New paragraphs (20) and (21) are added to read as follows:

1 “(20) Expedited same-day service, \$100, in addition to all other fees required by
2 statute or regulation; and”

3 “(21) Expedited 3-day service, \$50, in addition to all other fees required by statute
4 or regulation.”.

5 Sec. 2018. Fiscal impact statement.

6 The Council adopts the fiscal impact statement of the Chief Financial Officer as
7 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
8 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
9 206.02(c)(3)).

10 SUBTITLE F. ECONOMIC DEVELOPMENT SPECIAL ACCOUNT FUND.

11 Sec. 2019. Short title.

12 This subtitle may be cited as the “Economic Development Special Account Fund
13 Act of 2009.”

14 Sec. 2020. Section 301(b)(1) of the National Capital Revitalization Corporation
15 and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26,
16 2008 (D.C. Law 17-138; 55 DCR 1689) (“NCRC-AWC Reorganization Act”) is
17 amended as follows:

18 (a) Subparagraph (E) is amended by striking the word “and” at the end.

19 (b) Subparagraph (F) is amended by striking the period at the end and inserting a
20 semicolon in its place.

21 (c) New subparagraphs (G), (H), (I), and (J) are added to read as follows:

22 “(G) All payments, including lease payments, received by the District pursuant to
23 the disposition or lease of the old convention center site (legally described as Lot 848 in

1 Square 374 less that portion of Lot 848 known as U.S. Reservation 174), including all
2 payments received by the District pursuant to the Amended and Restated Development
3 Agreement and Land Disposition Agreement by and between the District of Columbia
4 and OCC Master Developer, LLC, dated December 14, 2007 (“LDA”), as such LDA may
5 be amended or restated from time to time, any addendum to the LDA, or any successor
6 document to the LDA;

7 “(H) All payments, including lease payments, received by the
8 District pursuant to the disposition or lease of the New Convention Center Hotel Site, as
9 such term is defined in section 101(16) of the New Convention Center Hotel Omnibus
10 Financing and Development Act of 11 2006, effective September 19, 2006 (D.C. Law 16-
11 163; D.C. Official Code § 10-1221.01(16)); and

12 “(I) All payments received by the District pursuant to the disposition or short-term
13 lease of property that is under the management of the Office of the Deputy Mayor for
14 Planning and Economic Development.”.

15 Sec. 2021. Fiscal impact statement.

16 The Council adopts the fiscal impact statement of the Chief Financial Officer as
17 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
18 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
19 206.02(c)(3)).

20 SUBTITLE G. NEIGHBORHOOD REVITALIZATION FUNDING.

21 Sec. 2022. Short title.

22 This subtitle may be cited as the “Neighborhood Revitalization Funding
23 Amendment Act of 2009”.

1 Sec. 2023. The National Capital Revitalization Corporation and Anacostia
2 Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law
3 17-138; 55 DCR 1689) (“NCRC-AWC Reorganization Act”) is amended as follows:

4 (a) Section 301(d) is amended by inserting the phrase “appropriated or otherwise
5 under the budget authority of the Office of the Deputy Mayor for Planning and Economic
6 Development, including local funds, capital funds, and monies in the Economic
7 Development Special Account,” after the word “Monies”.

8 (b) Section 301(d), as amended, is redesignated as a new section 303 of the
9 NCRC-AWC Reorganization Act, which new section 303 shall be titled “Authorization
10 of expenditures.”.

11 Sec. 2023A. Section 47-340.23 of the D.C. Official Code is amended by
12 repealing subsections (b) and (c).

13 Sec. 2024. Fiscal impact statement.

14 T he Council adopts the fiscal impact statement of the Chief Financial Officer as the
15 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
16 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
17 206.02(c)(3)).

18 SUBTITLE H. COMMUNITY DEVELOPMENT BLOCK GRANT
19 ACCOUNTING CORRECTION.

20 Sec. 2025. Short title.

21 This subtitle may be cited as the “Community Development Block Grant
22 Accounting Correction Amendment Act of 2009.”

1 Sec. 2026. Section 301(e)(2) of the National Capital Revitalization Corporation
2 and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26,
3 2008 (D.C. Law 17-138; 55 DCR 1689) (“NCRC-AWC Reorganization Act”) is
4 amended by striking the phrase “included as a segregated line item in the budget of the
5 Department of Housing and Community Development that the Mayor is required to
6 submit to the Council pursuant to section 442 of the District of Columbia Home Rule
7 Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and
8 shall be”.

9 Sec. 2027. Fiscal impact statement

10 The Council adopts the fiscal impact statement of the Chief Financial Officer as
11 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
12 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 SUBTITLE I. NEIGHBORHOOD INVESTMENT FUND IMPLEMENTATION
15 PLAN.

16 Sec. 2028. Short title.

17 This subtitle may be cited as the “Neighborhood Investment Fund Implementation
18 Plan Amendment Act of 2009.”

19 Sec. 2029. Section 2 of the Neighborhood Investment Act of 2004, effective
20 March 30, 2004 (D.C. Law 15-131; D.C. Official Code 6-1071 *et seq.*) is amended as
21 follows:

22 (a) Subsection (c) is amended as follows

23 (1) Strike the phrase “a 5-year” and insert the word “the” in its place.

1 (2) Strike the phrase “shall contain specific references to the amount to be
2 spent each year by” and insert the phrase “descriptions of the projects planned to be
3 implemented under the program by:” in its place.

4 (b) Subsection (e) is amended by adding the sentence “Pending approval of an
5 implementation plan under this subsection, the program may operate, and expenditures
6 may be made, in a manner consistent with the previously approved implementation plan.”

7 Sec. 2030. Fiscal impact statement

8 The Council adopts the fiscal impact statement of the Chief Financial Officer as
9 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
10 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
11 206.02(c)(3)).

12 SUBTITLE J. TAX ABATEMENT FOR PEW CHARITABLE TRUSTS.

13 Sec. 2031. Short title.

14 This subtitle may be cited as the “Tax Abatement for Pew Charitable Trusts
15 Amendment Act of 2009.”

16 Sec. 2032. Chapter 10 of title 47 of the District of Columbia Official Code is
17 amended as follows:

18 (a) The table of contents is amended by adding a new section designated § 47-
19 1079 to read as follows: “§ 47-1079. The Pew Charitable Trusts.”

20 (b) A new section § 47-1079 is added to read as follows:

21 “§ 47-1079. The Pew Charitable Trusts; real property leased to non-profits.

22 “The portion of the real property described as Lot 40, Square 377, that is owned
23 by The Pew Charitable Trusts and leased to tenants that are exempt from federal taxation

1 under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954
2 (68A Stat. 163; 26 U.S.C. § 501(c)(3)) shall be exempt from real property taxation for 10
3 years from the effective date of this section if:

4 “(1) The real property continues to be owned by The Pew Charitable
5 Trusts;

6 “(2) The real property is leased at rates below the market rate to the tax-
7 exempt tenants;

8 “(3) The real property is used for that tenant’s exempt purposes.

9 “(4) The Pew Charitable Trusts files the report required by § 47-1007 and
10 includes in such report:

11 “(A) The name of each tenant of the real property that is exempt
12 from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986,
13 approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

14 “(B) The square footage leased by each such tenant;

15 “(C) A certification that each such tenant is being charged a
16 lease rate that is below the market rate, a statement of the lease rate per square foot, and
17 an explanation of the basis under which the determination was made that each such
18 tenant’s lease rate is below the market rate;

19 “(D) The total square footage of the building and the total
20 leasable square footage of the building; and

21 “(E) Such other information as may be required by the Mayor or
22 the Chief Financial Officer.”.

23 Sec. 2033. Fiscal impact statement

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE K. FINANCIAL INCENTIVES FOR MOTION PICTURE AND
6 TELEVISION PRODUCTIONS.

7 Sec. 2034. Short title.

8 This subtitle may be cited as the “Financial Incentives for Motion Picture and
9 Television Productions Act of 2009.”

10 Sec. 2035. The Film DC Economic Incentive Act of 2006, effective March 14,
11 2007 (D.C. Law 16-290; D.C. Official Code § 39-501) is amended as follows:

12 (a) Section 2 D.C. Official Code § 39-501) is amended to read as follows:

13 “Sec. 2. Definitions.

14 “For the purposes of this act, the term:

15 “(1) “Base infrastructure investment” means the cost, including fabrication and
16 installation, expended by a person in the development of a qualified film and digital
17 media infrastructure project for tangible assets of a type that are, or under the United
18 States Internal Revenue Code will become, eligible for depreciation, amortization, or
19 accelerated capital cost recovery for federal income tax purposes, that are physically
20 located in the District for use in a business activity in the District, and that are not mobile
21 tangible assets. Base infrastructure investment does not include qualified production
22 expenditure or qualified personnel expenditure.

1 “(2) “Below-the-line crew” means persons employed by an eligible production
2 company for a qualified production after production begins and before production is
3 completed, except for a producer, director, writer, actor, or other similar person.

4 “(3) “CFO” means the Chief Financial Officer of the District of Columbia.

5 “(4) “Eligible production company” means an entity in the business of producing
6 qualified productions.

7 “(5) “Fund” means the fund created under section 2a of this act.

8 “(6) “Office” means the District of Columbia Office of Motion Picture and
9 Television Development.

10 “(7) “Postproduction expenditure” means a direct expenditure for editing, Foley
11 recording, automatic dialogue replacement, sound editing, special or visual effects
12 including computer-generated imagery or other effects, scoring and music editing,
13 beginning and end credits, negative cutting, soundtrack production, dubbing, subtitling,
14 addition of sound or visual effects, advertising, marketing, distribution, and related
15 expenses.

16 “(8) “Qualified film and digital media infrastructure project” means a film, video,
17 television, or digital media production and postproduction facility located in the District,
18 movable and immovable property and equipment related to the facility, and any other
19 facility that is a necessary component of the primary facility. A qualified film and digital
20 media infrastructure project does not include a movie theater or other commercial
21 exhibition facility.

22 “(9) “Qualified job training expenditure” means salary and other expenditures
23 paid by an eligible production company to provide qualified personnel with on-the-job

1 training to upgrade or enhance the skills of the qualified personnel as a member of the
2 below-the-line crew for a qualified production.

3 “(10) “Qualified personnel” means a District resident that is legally eligible for
4 employment.

5 “(11) “Qualified personnel expenditure” means an expenditure made in the
6 District directly attributable to the production or distribution of a qualified production
7 that is a transaction subject to taxation in the District and is a payment of wages, benefits,
8 or fees to below-the-line crew members. Qualified personnel expenditure includes a
9 payment to a personal services corporation or professional employer organization for the
10 services of qualified personnel as below-the-line crew members.

11 “(12) “Qualified production” means motion picture, television, or video content
12 created in whole or in part in the District, intended for nationwide distribution or
13 exhibition by any means, including a motion picture, a documentary, television
14 programming, commercials, or an internet video production. Qualified production also
15 includes a trailer or pilot, or any video teaser associated with a qualified production.
16 Qualified production does not include any of the following:

17 “(A) A production that consists primarily of televised news or current
18 events;

19 “(B) A production that consists primarily of a live sporting event;

20 “(C) A production that consists primarily of political advertising;

21 “(D) A radio program; or

22 “(E) A production that primarily markets a product or service other than
23 a qualified production.

1 “(13) (A) “Qualified production expenditure” means a development,
2 preproduction, production, or postproduction expenditure made in the District that is
3 directly attributable to the production or distribution of a qualified production, is for the
4 production or distribution of a qualified production, is in accordance with generally
5 accepted entertainment industry practices, and that is not a qualified personnel
6 expenditure.

7 “(B) Qualified production expenditures include the purchase of tangible
8 personal property or services related to producing or distributing a qualified production,
9 production work, production equipment, production software, development work,
10 postproduction work, postproduction equipment, postproduction software, set design, set
11 construction, set operations, props, lighting, wardrobe, catering, lodging, use of vehicles
12 directly attributable to the production or distribution of a qualified production, and any
13 purchase of equipment relating to the duplication or market distribution of any content
14 created or produced in the District, and payment of wages, benefits, or fees to any
15 contractual or salaried employee excluding below-the-line crew who performs services in
16 the District, including a payment to a personal services corporation or professional
17 employer organization for the services of qualified personnel.

18 (b) A new section 2a is added to read as follows:

19 “Sec. 2a. Film DC Economic Incentive Fund.

20 “(a) There is hereby established a segregated, nonlapsing fund to be known as
21 the Film DC Economic Incentive Fund (“Fund”). There shall be deposited into the Fund
22 the application fee described in sections 2c and 2d of this act and such amounts as may be
23 appropriated or reprogrammed. All funds deposited into the Fund shall not revert to the

1 General Fund of the District of Columbia at the end of any fiscal year or at any other
2 time, but shall be continually available for the purposes set forth in this act.

3 (c) A new section 2b is added to read as follows:

4 “Sec. 2b. Film DC economic incentives.

5 “(a) Subject to section 2c and subject to the availability of funds, the Mayor
6 may provide to an eligible production company, as an incentive for the production of
7 movies, television shows, or other video production in the District, a payment equal to
8 the sum of :

9 “(1) 42% of the company’s qualified production expenditures that are
10 subject to taxation in the District;

11 “(2) 21% of the company’s qualified production expenditures that are not
12 subject to taxation in the District;

13 “(3) 30% of the company’s qualified personnel expenditures;

14 “(4) 50% of the company’s qualified job training expenditures; and

15 “(5) 25% of the company’s base infrastructure investment; provided, if
16 the base infrastructure investment is in a facility that may be used for purposes unrelated
17 to production or postproduction activities, then the base infrastructure investment shall be
18 eligible for the 25% incentive payment only if the Mayor determines that the facility will
19 support and be necessary to secure production or postproduction activity.

20 “(b) Subject to section 2d and subject to the availability of funds, the Mayor may
21 provide to a person, as an incentive for the creation of production and postproduction
22 facilities in the District, a payment of 25% of the taxpayer’s base infrastructure
23 investment; provided, if all or a portion of the base infrastructure investment is in a

1 facility that may be used for purposes unrelated to production or postproduction
2 activities, then the base infrastructure investment shall be eligible for the 25% payment
3 only if the Mayor determines that the facility will support and be necessary to secure
4 production or postproduction activity.

5 (d) A new section 2c is added to read as follows:

6 “Sec. 2c. Production incentives.

7 “(a) In order to qualify for a payment under section 2b(a), an eligible production
8 company shall:

9 “(1) Spend at least \$250,000 in the District for the development,
10 preproduction, production, or postproduction costs of a qualified production;

11 “(2) File an application with the Mayor pursuant to subsection (b) of this
12 section;

13 “(3) Enter into an incentive agreement with the Mayor pursuant to
14 subsection (d) of this section;

15 “(4) Comply with the terms of the agreement;

16 “(5) Not be delinquent in a tax or other obligation owed to the District, or
17 be owned or under common control of an entity that is delinquent in a tax or other
18 obligation owed to the District.

19 “(b) An eligible production company seeking a payment under section 2b(a)
20 shall submit an application to the Mayor. The application shall meet the following
21 requirements:

22 “(1) The application shall be submitted in a form, and with such
23 documentation and information, including an estimate of qualified production

1 expenditures, qualified personnel expenditures, qualified job training expenditures, and
2 total investment in qualified film and digital media infrastructure projects in the District
3 associated with an identified qualified production, as may be prescribed by the Mayor;
4 and

5 “(2) The application shall be accompanied by an application fee in such
6 amount as may be prescribed by the Mayor.

7 “(c) After receiving an application under subsection (b) of this section, the
8 Mayor shall review the application and determine whether to enter into an incentive
9 agreement under subsection (d) of this section with the eligible production company. In
10 determining whether to enter into an incentive agreement with the eligible production
11 company, the Mayor may consider:

12 “(1) The potential that, in the absence of a payment under subsection 2b
13 (a), the qualified production will be produced in a location other than the District;

14 “(2) The extent to which the qualified production is likely to promote
15 the District as a tourist destination;

16 “(3) The extent to which the qualified production is likely to create
17 contracting and procurement opportunities for certified business enterprises;

18 “(4) The extent to which the qualified production is likely to create
19 jobs, job training opportunities, and apprenticeships for District residents;

20 “(5) The extent to which the qualified production will produce
21 employment opportunities for District youth;

22 “(6) The extent to which the qualified production is likely to promote
23 economic development and neighborhood revitalization in the District;

1 “(7) The extent to which a payment under subsection 2b(a) is likely to
2 attract private investment for the production of other qualified productions or base
3 infrastructure investments in the District; and

4 “(8) The record of the eligible production company in completing
5 commitments to engage in a qualified production.

6 “(d) An incentive agreement entered into by the Mayor and the eligible
7 production company shall include the following provisions:

8 “(1) The name of the eligible production company;

9 “(2) The name and description of the qualified production;

10 “(3) The eligible production company’s estimated qualified production
11 expenditures, qualified personnel expenditures, qualified job training expenditures, and
12 base infrastructure investment associated with the qualified production;

13 “(4) A preliminary estimate of the payment to be made by the District
14 pursuant to the agreement;

15 “(5) Any obligations of the eligible production company, including
16 obligations such as commitments to hire District residents, provide apprenticeship
17 opportunities for District residents and youth, provide employment opportunities for
18 District residents and youth, and contract with certified business entities; and

19 “(6) Such other provisions as may be deemed appropriate by the
20 Mayor.

21 “(e) If the Mayor determines that an eligible production company, after it
22 completes the qualified production for which it entered into an agreement under this

1 section, has complied with the terms of the agreement entered into under this section, the
2 Mayor may provide to the company the payment authorized by subsection 2b(a).

3 (e) A new section 2d is added to read as follows:

4 “Sec. 2d. Infrastructure incentives.

5 “(a) In order to be eligible for a payment under section 2b(b), a person shall:

6 “(1) Invest and expend at least \$250,000 for a qualified film and digital
7 media infrastructure project in the District;

8 “(2) File an application with the Mayor pursuant to subsection (b) of
9 this section;

10 “(3) Enter into an agreement with the Mayor pursuant to subsection (d)
11 of this section;

12 “(4) Comply with the terms of the agreement; and

13 “(5) Not be delinquent in a tax or other obligation owed to the District,
14 or be owned or under common control of an entity that is delinquent in a tax or other
15 obligation owed to the District.

16 “(b) A person seeking a payment under section 2b(b) shall submit an
17 application to the Mayor. The application shall meet the following requirements:

18 “(1) The application shall be submitted in a form, and with such
19 documentation and information, including an estimate of total base infrastructure
20 investment, as may be prescribed by the Mayor; and

21 “(2) The application shall be accompanied by an application fee in such
22 amount as may be prescribed by the Mayor.

1 “(c) After receiving an application under subsection (b) of this section, the
2 Mayor shall review the application and determine whether to enter into an incentive
3 agreement with the applicant under subsection (d) of this section. In determining whether
4 to enter into the incentive agreement, the Mayor may consider:

5 “(1) The potential that, in the absence of a payment under subsection
6 2b(b), the qualified film and digital media infrastructure project in which the base
7 infrastructure investment will be made will be constructed in a location other than the
8 District, or not constructed at all;

9 “(2) The extent to which the qualified film and digital media
10 infrastructure project is likely to create contracting and procurement opportunities for
11 certified business enterprises;

12 “(3) The extent to which the qualified film and digital media
13 infrastructure project is likely to create jobs, job training opportunities, and
14 apprenticeships for District residents and District youth;

15 “(4) The extent to which the qualified film and digital media
16 infrastructure project is likely to promote economic development and neighborhood
17 revitalization in the District;

18 “(5) The extent to which the qualified film and digital media
19 infrastructure project is likely to attract motion picture, television, and video production
20 to the District; and

21 “(6) The record of the person in completing commitments to engage in
22 qualified film and digital media infrastructure projects.

1 “(d) An incentive agreement entered into by the Mayor and the eligible
2 production company shall include the following provisions:

3 “(1) The name of the applicant to which subsection (b) of this section
4 refers;

5 “(2) A description of the qualified film and digital media infrastructure
6 project in which the applicant intends to invest;

7 “(3) The person’s estimated base investment;

8 “(4) A preliminary estimate of the payment to be made by the District
9 pursuant to this agreement;

10 “(5) Any obligations of the eligible production company, including
11 obligations such as a commitment to hire District residents, provide apprenticeship
12 opportunities for District residents and youth, provide employment opportunities for
13 District residents and youth, and contract with certified business entities; and

14 “(6) Such other provisions as may be deemed appropriate by the
15 Mayor.

16 “(e) If the Mayor determines that a person, after the qualified film and digital
17 media infrastructure project in which the base investment is made is complete, has
18 complied with the terms of the agreement under this section, the Mayor may provide to
19 the company the payment authorized by subsection 2b(b).”.

20 (f) A new section 2e is added to read as follows:

21 “Sec. 2e. Compliance with the Freedom of Information Act.

22 “Information, records, or other data received, prepared, used, or retained by the
23 Mayor under this act shall not be subject to the disclosure requirements of the District of

1 Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C.
2 Official Code § 2-531 *et seq.*) to the extent that the information, records, or other data
3 describe the commercial and financial operations or intellectual property of a business
4 entity or individual, the information or records have not been publicly disseminated at
5 any time, and disclosure of the information or records may put the business entity or
6 individual at a competitive disadvantage.”.

7 (g) Section 4 is repealed.

8 Sec. 2036. Motion picture and television production permits.

9 (a) The Mayor may issue permits for the occupation of the public space for
10 motion picture, television, and other media productions (“film permits”) pursuant to D.C.
11 Official Code § 10-1141.03. The Mayor may establish regulations to implement this
12 provision and may impose fees for the application for and issuance of film permits.

13 (b) The fees received by Mayor from applications for and issuance of the film
14 permits shall be deposited into the special account established by section 2037 of this act.

15 Sec. 2037. Film DC Special Account.

16 (a) There is hereby established a segregated, nonlapsing account within the
17 General Fund to be known as the Film DC Special Account. The funds in the Film DC
18 Special Account shall not revert to the General Fund at the end of any fiscal year or at
19 any other time, but shall be continually available for the uses and purposes set forth in
20 this section.

21 (b) There shall be deposited into the Film DC Special Account the fees
22 derived from film permits applied for or issued pursuant to section 2036 of this act, such

1 other funds as may be designated by law, regulation, or reprogramming, and all interest
2 earned on funds in the Film DC Special Account.

3 (c) There shall be allocated annually to the Office of Motion Picture and
4 Television Development an amount that is equal to the total deposits and earnings that are
5 estimated to remain unspent in the Film DC Special Account at the end of the preceding
6 fiscal year plus all deposits and earnings that are estimated to be received during the
7 fiscal year for which the allocation is made.

8 (d) The funds in the Film DC Special Account Fund shall be used to pay for
9 operating expenses of the Office of Motion Picture and Television Development.

10 Sec. 2038. Fiscal impact statement.

11 The Council adopts the fiscal impact statement of the Chief Financial Officer as
12 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
13 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
14 206.02(c)(3)).

15 SUBTITLE L. NCRC-AWC DISSOLUTION ACT AMENDMENT.

16 Sec. 2039. Short title.

17 This subtitle may be cited as the “National Capital Revitalization Corporation-
18 Anacostia Waterfront Corporation Dissolution Amendment Act of 2009”.

19 Sec. 2040. (a) Section 402(b)(1) of the National Capital Revitalization
20 Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective
21 March 26, 2008 (D.C. Law 17-138; 55 DCR 1689) (“NCRC-AWC Dissolution Act”), is
22 amended by striking sub-paragraphs (A) and (B) and inserting the phrase “at least 15% of

1 the units shall be affordable to moderate-income households and at least 15% of the units
2 shall be affordable to low-income households” in their place.

3 (b) Section 402(b)(1) of the NCRC-AWC Dissolution Act, as amended by
4 subsection (a) of this section, shall apply to dispositions and development projects
5 approved prior to the effective date of this section if the disposition or development
6 project was approved after the effective date of the NCRC-AWC Dissolution Act and the
7 NCRC-AWC Dissolution Act would otherwise be applicable to the disposition or
8 development project.

9 Sec. 2041. Fiscal impact statement.

10 The Council adopts the fiscal impact statement of the Chief Financial Officer as
11 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
12 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 SUBTITLE N. WCCA-SEC MERGER.

15 Sec. 2042. Short title.

16 This subtitle may be cited as the “Washington Convention Center Authority and
17 Sports and Entertainment Commission Merger Act of 2009”.

18 Sec. 2043. Amendments to the Washington Convention Center Authority Act of
19 1994.

20 The Washington Convention Center Authority Act of 1994, effective September
21 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as
22 follows:

23 (a) Section 101 (D.C. Official Code § 10-1201.01) is repealed.

1 (b) Section 201 (D.C. Official Code § 10-1202.01) is amended as follows:

2 (1) Paragraph (1) is amended to read as follows:

3 “(1) “Authority” means the Washington Convention and Sports Authority
4 established pursuant to section 202 of this act.”.

5 (2) A new paragraph (1A) is added to read as follows:

6 “(1A) “Bond” or “bonds” means any revenue bond, note, or other obligation
7 (including refunding bonds, notes, or other obligations) used to borrow money to finance,
8 assist in financing, or to refinance undertakings authorized by this chapter.”.

9 (3) Paragraph (2) is amended to read as follows:

10 “(2) “Chief Financial Officer” means the Chief Financial Officer established
11 pursuant to section 424(a)(1) of the District of Columbia Home Rule Act, approved
12 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.24(a)(1)).

13 (4) New paragraph (4B) is added to read as follows:

14 “(4B) “District sports and entertainment facility” means:

15 “(A) Any stadium, arena, or recreation site owned, operated, or under
16 the direct control of the Washington Convention and Sports Authority, including Robert
17 F. Kennedy Stadium, the District of Columbia National Guard Armory, and the ballpark,
18 as such term is defined in section 105(a)(1) of the Ballpark Omnibus Financing and
19 Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code
20 § 10-1601.05);

21 “(B) Any property subordinate or functionally related to such stadium,
22 arena, or recreation site, including team offices domiciled in a District sports and
23 entertainment facility, parking lots, parking garages, and practice facilities.”

1 (5) A new paragraph (8) is added to read as follows:

2 “(8) “Robert F. Kennedy Stadium” includes all property, facilities, equipment
3 and appliances of any kind comprising the areas designated as A, B, C, D, or E on the
4 revised map entitled “Map to Designate Transfer of Stadium and Lease of Parking Lots to
5 the District,” prepared jointly by the National Park Service (National Capital Region) and
6 the District of Columbia Department of Public Works for site development and dated
7 October 1986 (NPS drawing number 831/87284-A) and any other future additions
8 thereto.”.

9 (c) Section 202 (D.C. Official Code § 10-1202.02) is amended as follows:

10 (1) Subsection (a) is amended by striking the phrase “Washington
11 Convention Center Authority (“Authority”)” and inserting the phrase “Washington
12 Convention and Sports Authority” in its place.

13 ((4) A new paragraph (4B) is added to read as follows:

14 “(b) Notwithstanding any other provisions of this act, the general purposes of
15 the Authority are to:

16 “(1) Acquire, construct, equip, maintain, and operate the new
17 convention center, in whole or in part, directly or under contract;

18 “(2) Promote, develop, and maintain the District as a location for
19 convention, trade shows, and other meetings;

20 “(3) Engage in activities to promote trade shows, conventions, concerts,
21 and other events related to activities at a facility of the Authority;

22 “(4) Consolidate the District’s efforts in promoting and managing
23 sporting and entertainment events;

1 “(5) Promote, develop, and maintain the District as a location for
2 sporting events, sports teams, recreational events, cultural, historical, and economic
3 development events and activities, film, television, and other motion picture productions,
4 and entertainment events, directly or under contract;

5 “(6) Develop, construct, and lease the ballpark in accordance with
6 section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April
7 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05);

8 “(7) Maintain and operate the District sports and entertainment
9 facilities, except with respect to the military purposes of the District of Columbia
10 National Guard Armory, directly or under contract;

11 “(8) Encourage and support youth activities in the District by, among
12 other ways, sponsoring sporting events for young athletes, attracting national collegiate
13 championships to the District, and providing disadvantaged youths with opportunities to
14 attend sporting events;

15 “(9) Exercise the non-military functions of the Armory Board and
16 Armory, including controlling the scheduling, rental, and promotion of the Armory and
17 its adjacent facilities and leasing unused or vacant space in the Armory;

18 “(10) Exercise the non-regulatory functions of the Boxing and Wrestling
19 Commission, including all advertising, promotion, and attraction of boxing, wrestling,
20 and mixed martial arts events ; and

21 “(11) Maintain and operate the old convention center site until such time
22 as is deemed appropriate by the Mayor.”.

1 (3) Subsection (d) is amended by inserting the phrase “related to the new
2 convention center” before the period at the end.

3 (d) Section 203 (D.C. Official Code § 10-1202.03) is amended as follows:

4 (1) Paragraph (4) is amended by inserting the phrase “advisors,
5 consultants,” after the phrase “employees, ”.

6 (2) Paragraph (10) is amended by inserting the phrase “, joint ventures, or
7 other agreements, ” after the word “contracts”.

8 (3) New paragraphs (10A) through (10J) are added to read as follows:

9 “(10A) To maintain an office or offices at any location in the District;

10 “(10B) To establish standards for the use of and attendance at its facilities;

11 “(10C) To fix, revise, charge, and collect fees, rents, or other charges for the use
12 of, or attendance at, its facilities and for services rendered in connection with the use of,
13 or attendance at, its facilities;

14 “(10D) To manage parking lots, concessions, and other ancillary properties and
15 services at facilities under the jurisdiction of the Authority;

16 “(10E) To furnish such services to renters, lessees, and other occupants and users
17 of its facilities as in its judgment are necessary or suitable for carrying out its purposes;

18 “(10F) To provide through its employees, or by the grant of one or more
19 concessions, or both, for the furnishing of services and things for the accommodation of
20 persons admitted to or using any of its facilities or portions of its facilities;

21 “(10G) To provide for the insurance of any property, operations, Board members,
22 officers, agents, or employees of the Authority against any risk or hazard

1 “(10H) To develop, construct, maintain, operate, acquire, own, equip, improve,
2 rehabilitate, expand, and maintain new convention, sports, entertainment, and recreation
3 facilities in the District;

4 “(10I) To establish one or more non-profit or for-profit subsidiaries to perform
5 any of its functions under this act;

6 “(10J) To hold an ownership interest in, and operate, a professional sports team
7 or team franchise on a temporary or permanent basis;”.

8 (3) Paragraph (12) is amended as follows:

9 (A) Strike the phrase “upon obtaining a license from the Alcoholic
10 Beverage Control Board pursuant to Title 25, or to permit others to sell or dispense, upon
11 obtaining a license from the Alcoholic Beverage Control Board” and insert the phrase “or
12 to permit others to sell or dispense” in its place.

13 (B) Insert the phrase “, including the hours and days during which
14 the sale or dispensing of alcoholic beverages shall be made or shall be permitted” before
15 the semicolon at the end.

16 (4) Paragraph (14) is amended by striking the phrase “Chief Financial
17 Officer” and inserting the phrase “chief financial officer” in its place.

18 (e) A new section 203a is added to read as follows:

19 “Sec. 203a. Transfer of authority of the Armory Board.

20 “All references to the Armory Board in An Act To establish a District of
21 Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339;
22 D.C. Official Code § 3-301 *et seq.*) (“Armory Board Act”) are deemed to be references to
23 the Authority, and the Authority shall have such powers and responsibilities as are

1 created by such references to the Armory Board in the Armory Board Act, unless the
2 clear meaning requires otherwise.”.

3 (f) Section 204(b) (D.C. Official Code § 10-1202.04(b)) is amended by striking
4 the phrase “Washington Convention Center Authority Fund” and inserting the phrase
5 “Washington Convention Center Fund” in its place.

6 (g) Section 205 (D.C. Official Code § 10-1202.05) is amended as follows:

7 (1) Subsection (a) is amended as follows:

8 (A) Paragraph (1) is amended by striking the number “9” and
9 inserting the number “11” in its place.

10 (B) Paragraph (2) is amended by striking the number “7” and
11 inserting the number “9” in its place.

12 (C) Paragraph (3) is amended as follows:

13 (i) Strike the number “7” and insert the number “9” in its
14 place.

15 (ii) Strike the number “5” and insert the number “7” in its
16 place.

17 (iii) Insert the phrase “sports, entertainment,” after the
18 phrase “construction,”.

19 (2) Subsection (j) is amended as follows:

20 (A) Strike the word “Five” and inserting the word “Six” in its
21 place.

1 (B) Insert the phrase “with respect to the issuance of bonds and
2 the adoption of budgets and financial plans” after the phrase “except a vacancy of the
3 Chief Financial Officer of the District”.

4 (h) Section 206(a) (D.C. Official Code § 10-1202.06(a)) is amended as follows:

5 (1) Paragraph (2) is amended by striking the phrase “the existing
6 convention center and the new convention center” and inserting the phrase “the new
7 convention center and District sports and entertainment facilities” in its place.

8 (2) Paragraph (3) is amended by striking the phrase “the existing
9 convention center and the new convention center” and inserting the phrase “the new
10 convention center and District sports and entertainment facilities” in its place.

11 (3) Paragraph (5) is amended by striking the phrase “General Manager
12 to the existing convention center and new convention center” and inserting the phrase
13 “Chief Executive Officer and General Manager” in its place.

14 (4) Paragraph (6) is amended by striking the phrase “General
15 Manager” and inserting the phrase “Chief Executive Officer and General Manager” in its
16 place.

17 (i) Section 207 (D.C. Official Code § 10-1202.07) is amended as follows:

18 (1) The section heading is amended by striking the phrase “General
19 Manager” and inserting the phrase “Chief Executive Officer and General Manager” in its
20 place.

21 (2) Subsection (a) is amended as follows:

22 (A) Strike the phrase “a General Manager” and insert the
23 phrase “a Chief Executive Officer and General Manager” in its place.

1 (B) Striking the phrase “the new convention center and the
2 existing convention center” and insert the phrase “the new convention center, District
3 sports and entertainment facilities, and the Authority” in its place.

4 (C) Strike the phrase “The General Manager” and insert the
5 phrase “The Chief Executive Officer and General Manager” in its place.

6 (2) Subsection (b) is amended as follows:

7 (A) The lead-in text is amended by striking the phrase “General
8 Manager” and inserting the phrase “Chief Executive Officer and General Manager” in its
9 place.

10 (B) Paragraph (4) is amended by striking the phrase “existing
11 convention center and new convention center bookings” and inserting the phrase
12 “bookings, events, and productions for the new convention center and District sports and
13 entertainment facilities” in its place.

14 (C) Paragraph (5) is amended by striking the phrase “existing
15 convention center and the new convention center” and inserting the phrase “Authority
16 and its facilities”.

17 (3) Subsection (c) is amended by striking the phrase “General
18 Manager” and inserting the phrase “Chief Executive Officer and General Manager” in its
19 place.

20 (j) Section 208 (D.C. Official Code § 10-1202.08) is amended as follows:

21 (1) The section heading is amended by striking the word “Authority”.

1 (2) Subsection (a) is amended by striking the phrase ““Washington
2 Convention Center Authority Fund (“Fund”)”” and inserting the phrase “Washington
3 Convention Center Fund (“Convention Center Fund”)” in its place.

4 (3) Subsection (b) is amended by striking the word “Fund” and
5 inserting the phrase “Convention Center Fund” in its place.

6 (4) Subsection (c)(1) is amended by as follows:

7 (A) Strike the word “Fund” and inserting the phrase
8 “Convention Center Fund” in its place.

9 (B) Strike the phrase “New Convention Center” and insert the
10 phrase “new convention center” in its place.

11 (5) Subsection (d) is amended as follows:

12 (A) Strike the phrase “deposit in the Fund” and inserting the
13 phrase “deposit in the Convention Center Fund” in its place.

14 (B) Strike the phrase “deposited in the Fund” and inserting the
15 phrase “deposited in the Convention Center Fund” in its place.

16 (6) Subsection (e) is amended as follows:

17 (A) Strike the phrase “secured by the Fund” and inserting the
18 phrase “secured by the Convention Center Fund” in its place.

19 (B) Strike the phrase “revenues in the Fund” and inserting the
20 phrase “revenues in the Convention Center Fund” in its place.

21 (k) Section 208a (D.C. Official Code § 10-1202.08a) is amended as follows:

22 (1) Subsection (a) is amended as follows:

1 (A) Strike the phrase “for the payment of marketing service
2 contracts”.

3 (B) Insert the phrase “and the hosting of sporting events, sports
4 teams, recreational events, and entertainment events in the District” before the period at
5 the end.

6 (2) Subsection (b) is amended by striking the phrase “of the marketing
7 service contracts” and inserting the phrase “the Authority shall allocate to the Marketing
8 Fund” in its place.

9 (3) Subsection (d) is amended by inserting the phrase “that the
10 Authority may enter into” after the phrase “the marketing service contracts”.

11 (4) Subsection (e) is amended as follows:

12 (A) The lead-in text is amended by striking the phrase
13 “contracts with the following entities” and inserting the phrase “a contract with” in its
14 place.

15 (B) Paragraph (1) is amended as follows:

16 (i) The lead-in text is amended by striking the phrase
17 “The Washington, DC Convention and Tourism Corporation, pursuant to which the
18 Washington, DC Convention and Tourism Corporation” and inserting the phrase
19 “Destination DC, pursuant to which Destination DC” in its place.

20 (ii) Subparagraph (C) is amended by striking the phrase
21 “Washington Convention Center Authority” and inserting the phrase “Washington
22 Convention and Sports Authority” in its place.

23 (C) Paragraphs (2) and (3) are repealed.

1 (l) New section 208b is added to read as follows:

2 “Sec. 208b. Sports and Entertainment Fund.

3 “(a) There is established the Sports and Entertainment Fund to be maintained
4 by the Authority. Moneys in the Sports and Entertainment Fund shall not be a part of,
5 nor lapse into, the General Fund of the District.

6 “(b) There shall be deposited into the Sports and Entertainment Fund all
7 monies remaining in the Sports and Entertainment Commission Fund, all revenues of the
8 Authority derived from the District sports and entertainment facilities, all revenues of the
9 Authority derived from other sports- and entertainment-related activities of the Authority,
10 and all interest earned on money in the Fund.

11 “(c) Monies s in the Sports and Entertainment Fund shall be used to pay for the
12 operating expenses of the Authority, including expenses incurred through contracts.”.

13 (m) Section 209 (D.C. Official Code § 10-1202.09) is amended as follows:

14 (1) Strike the phrase “New Convention Center” and insert the phrase
15 “new convention center” in its place.

16 (2) Insert the phrase “or to finance, refinance, or assist in the financing
17 or refinancing of the construction of, or capital improvements to, any District sports and
18 entertainment facility” before the period at the end.

19 (n) Section 210 (D.C. Official Code § 10-1202.10) is amended by striking the
20 phrase “the new convention center” and inserting the phrase “the construction of, or
21 capital improvements to, the new convention center or a District sports or entertainment
22 facility” in its place.

23 (o) Section 211 (D.C. Official Code § 10-1202.11) is amended as follows:

1 (1) Subsection (l) is amended as follows:

2 (A) Strike the word “Assets” and insert the phrase “All
3 property, assets,” in its place.

4 (B) Insert the phrase “and shall be exempt from any special
5 assessments imposed by the District” before the period at the end.

6 (2) Subsection (m) is amended to read as follows:

7 “(m) Bonds issued by the Authority, their transfer, and the interest on such
8 bonds shall be exempt from District taxation, except for estate, inheritance, and gift taxes.

9 (p) Section 213(a) (D.C. Official Code § 10-1202.13(a)) is amended by
10 inserting the phrase “in the Convention Center Fund” after the word “Authority”.

11 (q) Section 218(b) (D.C. Official Code § 10-1202.18(b)) is amended as
12 follows:

13 (1) Paragraph (2) is amended by striking the phrase Deputy Mayor for
14 Operations (or successor officer) or the Deputy Mayor’s” and inserting the phrase “City
15 Administrator or the City Administrator’s”.

16 (2) Paragraph (4) is amended by striking the phrase “Washington
17 Convention Center Authority” is inserting the phrase “Washington Convention and
18 Sports Authority” in its place.

19 (3) Paragraph (7) is amended by striking the phrase “Washington
20 Convention Center Authority” is inserting the phrase “Washington Convention and
21 Sports Authority” in its place.

22 (r) Section 307 is amended as follows:

23 (1) The section heading is amended by striking the word “Authority”.

1 (2) Subsection (a) is amended by striking the word “Authority”.

2 Sec. 2044. Transfers of authority; abolishment of agencies; transition.

3 (a) (1) All authorities and functions of the District of Columbia Sports and
4 Entertainment Commission, established pursuant to the Omnibus Sports Consolidation
5 Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1401
6 *et seq.*), are transferred to the Washington Convention and Sports Authority.

7 (2) The District of Columbia Sports and Entertainment Commission is
8 abolished.

9 (3) The Omnibus Sports Consolidation Act of 1994, effective August 23,
10 1994 (D.C. Law 10-152; D.C. Official Code § 3-1401 *et seq.*), is repealed.

11 (b) (1) The members of the board of directors of the Washington Convention
12 Center Authority serving on the effective date of this act shall become members of the
13 board of directors of the Washington Convention and Sports Authority. Such members
14 shall serve as members of the board of directors of the Washington Convention and
15 Sports Authority until the expiration of their existing Washington Convention Center
16 Authority terms and may be reappointed to continue to serve as members of the board of
17 directors of the Washington Convention and Sports Authority at the expiration of such
18 terms.

19 (2) The chairperson and vice chairperson of the board of directors of the
20 District of Columbia Sports and Entertainment Commission serving on the effective date
21 of this act shall become members of the board of directors of the Washington Convention
22 and Sports Authority. Such members shall serve as members of the board of directors of
23 the Washington Convention and Sports Authority until the expiration of their existing

1 District of Columbia Sports and Entertainment Commission terms and may be
2 reappointed to continue to serve as members of the board of directors of the Washington
3 Convention and Sports Authority at the expiration of such terms. Such members shall
4 not be considered when determining compliance with the restriction set forth in section
5 205(f) of the Washington Convention Center Authority Act of 1994, effective September
6 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(f)).

7 (c) The General Manager of the Washington Convention Center Authority
8 serving on the effective date of this act shall become the Chief Executive Officer and
9 General Manager of the Washington Convention and Sports Authority.

10 Sec. 2045. Transfer of assets.

11 (a) (1) Legal and equitable title to all real property, personal property, records,
12 capital and intangible assets of the District of Columbia Sports and Entertainment
13 Commission shall transfer, vest, and be titled, in the name of the Authority.

14 (2) All unexpended balances of appropriations, allocations, income and
15 other funds available to the District of Columbia Sports and Entertainment Commission
16 shall transfer to the Authority and shall be deposited in the Authority Fund.

17 (3) All lawful existing non-employment and non-employment-related
18 contractual rights and obligations of the District of Columbia Sports and Entertainment
19 Commission shall transfer to the Authority, which shall assume all rights, duties,
20 liabilities, and obligations as a successor in interest.

21 (4) No rights and obligations of employment or employment-related
22 contracts of the District of Columbia Sports and Entertainment Commission, except for
23 lawful rights and obligations of individual employment contracts, shall transfer to the

1 Authority, which shall assume all rights, duties, liabilities, and obligations as a successor
2 in interest.

3 (4) All other existing rights and obligations, and all causes of actions of
4 the District of Columbia Sports and Entertainment Commission shall transfer to the
5 Authority.

6 (b) No existing lawful contract or other lawful legal obligation of the District of
7 Columbia Sports and Entertainment Commission transferred pursuant to subsection (a) of
8 this section, shall be abrogated or impaired by the repeal of the Omnibus Sports
9 Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official
10 Code § 3-1401 *et seq.*), or the superceding of Mayor's Order 79-218, dated September
11 14, 1979.

12 Sec. 2046. No impairment of obligations.

13 Other than with respect to the rights and obligations of employment and
14 employment-related contracts of the District of Columbia Sports and Entertainment
15 Commission not transferred pursuant to subsection (a)(4) of the prior section, nothing in
16 section 201 or 202 shall impair the obligations, commitments, pledges, or covenants, or
17 the security made or provided by the District of Columbia Sports and Entertainment
18 Commission; provided, however, the liability of the Authority with respect to any such
19 obligation, commitment, pledge, covenant, or security made or provided by the District of
20 Columbia Sports and Entertainment Commission shall be limited to the assets and
21 property of the District of Columbia Sports and Entertainment Commission transferred
22 pursuant to the prior section and any income derived from such assets.

23 Sec. 2047. Conforming amendments.

1 (a) Sections 3 and 4 of the Washington Convention Center Management Act
2 of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Official Code §§ 10-1271
3 and 10-1272), are repealed.

4 (b) Section 1833(9) of the Fiscal Year 1999 Budget Support Act of 1988,
5 effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 2-1203.02) is
6 amended
7 by striking the phrase “Washington Convention Center Authority” and inserting the
8 phrase “Washington Convention and Sports Authority” in its place.

9 (c) Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979
10 (D.C. Law 2-142; D.C. Official Code § 1-523.01(3)), is amended as follows:

11 (1) Paragraph (12) is repealed.

12 (2) Paragraph (20) is amended by striking the phrase “Washington
13 Convention Center Authority” and inserting the phrase “Washington Convention and
14 Sports Authority” in its place.

15 (d) Section 320 of the District of Columbia Procurement Practices Act of
16 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official § 2-303.20) is amended
17 as follows:

18 (1) Subsection (e) is amended by striking the phrase Washington
19 Convention Center Board of Directors” and inserting the phrase “Washington Convention
20 and Sports Authority or its Board of Directors” in its place.

21 (2) Subsection (f) is repealed.

22 (e) Section 7(a)(6) of the Recreation Act of 1994, effective March 23, 1995
23 (D.C. Law 10-246; D.C. Official Code § 10-306) is amended to read as follows:

1 “(6) The Chief Executive Officer and General Manager of the
2 Washington Convention and Sports Authority; and”.

3 (f) The Robert F. Kennedy Memorial Stadium and District of Columbia
4 National Guard Armory Public Safety Act, effective November 3, 1977 (D.C. Law 2-37;
5 D.C. Official Code 3-341 *et seq.*), is amended as follows:

6 (1) Section 4a(b) (D.C. Official Code §-3 343.01(b)) is amended as
7 follows:

8 (A) Paragraph (1) is amended by striking the phrase “District of
9 Columbia Sports and Entertainment Commission” and inserting the phrase “Washington
10 Convention and Sports Authority” in its place.

11 (B) Paragraph (1A) is amended by striking the phrase “District
12 of Columbia Sports and Entertainment Commission” and inserting the phrase
13 “Washington Convention and Sports Authority” in its place.

14 (2) Section 4b (D.C. Official Code §-3 343.02) is amended as follows:

15 (A) Subsection (a) is amended by striking the phrase “District
16 of Columbia Sports and Entertainment Commission” and inserting the phrase
17 “Washington Convention and Sports Authority” in its place.

18 (B) Subsection (b) is amended by striking the phrase “District
19 of Columbia Sports and Entertainment Commission” and inserting the phrase
20 “Washington Convention and Sports Authority” in its place.

21 (g) Section 3(b)(1)(F) of the Commission on Fashion Arts and Events
22 Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official
23 Code § 3-652(b)(1)(F)) is amended by striking the phrase “District of Columbia Sports

1 and Entertainment Commission” and inserting the phrase “Washington Convention and
2 Sports Authority” in its place.

3 (h) The Ballpark Omnibus Financing and Revenue Act of 2004, effective
4 April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 *et seq.*) is amended as
5 follows:

6 (1) Section 105 (D.C. Official Code § 10-1601.05) is amended by
7 adding a new subsection (g) to read as follows:

8 “(g) References in this section to the Sports and Entertainment Commission
9 shall also be deemed to refer to the Washington Convention and Sports Authority, as
10 successor to the Sports and Entertainment Commission, unless the context clearly
11 indicates otherwise.”.

12 (2) Section 202(b)(2) (D.C. Official Code § 10-1602.02(b)(2)) is
13 amended striking the phrase “Sports and Entertainment Commission” and inserting the
14 phrase “Washington Convention and Sports Authority” in its place.

15 (i) Section 851(1)(I) of the District of Columbia Government Comprehensive
16 Merit Personnel Act of 1978, effective April 20, 1999 (D.C. Law 12-260; D.C. Official
17 Code § 1-608.51(1)(I)) is amended by striking the phrase “Washington Convention
18 Center Authority” and inserting the phrase “Washington Convention and Sports
19 Authority” in its place.

20 (j) Section 202(5) of the Whistleblower Reinforcement Act of 1998, effective
21 October 7, 1998 (D.C. Law 12-160, D.C. Official Code § 2-223.01(5)) is amended by
22 striking the phrase “Washington Convention Center Authority” and inserting the phrase
23 “Washington Convention and Sports Authority” in its place.

1 (k) Section 2(4) of the Tax Increment Financing Authorization Act of 1998,
2 effective September 11, 1998 (D.C. Law 12-143, § 2-1217.01(4)) is amended by striking
3 the phrase “Washington Convention Center Authority Fund” and inserting the phrase
4 “Washington Convention Center Fund” in its place.

5 (l) Section 2(2) of the Retail Incentive Act, effective September 8, 2004 of
6 2004 (D.C. Law 15-185; D.C. Code § 2-1217.71(2)) is amended by striking the phrase
7 “Washington Convention Center Authority Fund” and inserting the phrase “Washington
8 Convention Center Fund” in its place.

9 (m) Title 25 of the D.C. Official Code is amended follows:

10 (1) Section 101(55) is repealed.

11 (2) Section 111(g)(1) is amended by striking the phrase “the
12 Washington Convention Center”.

13 (3) Section 505 is amended as follows:

14 (A) The section heading is amended by striking the phrase “and
15 Washington Convention Center”.

16 (B) The text is amended by striking the phrase “and for the
17 Washington Convention Center”.

18 (n) Title 47 of the D.C. Official Code is amended as follows:

19 (1) Section 47-368.01(a) is amended by striking the phrase “Sports
20 and Entertainment Commission; Washington Convention Center Authority” and inserting
21 the phrase “Washington Convention and Sports Authority” in its place.

22 (2) Section 47-2002.03 is amended as follows:

1 (A) The section heading is amended by striking the phrase
2 “Washington Convention Center Authority” and inserting the phrase “Washington
3 Convention and Sports Authority” in its place.

4 (B) Subsection (a) is amended as follows:

5 (i) Strike the phrase “Washington Convention Center
6 Authority” and inserting the phrase “Washington Convention and Sports Authority
7 (“Authority”)” in its place.

8 (ii) Strike the phrase “Washington Convention Center
9 Authority Fund” and insert the phrase “Washington Convention Center Fund” in its
10 place.

11 (3) Section 47-2202.02 is amended as follows:

12 (A) The section heading is amended by striking the phrase
13 “Washington Convention Center Authority” and inserting the phrase “Washington
14 Convention and Sports Authority” in its place.

15 (B) Subsection (a) is amended as follows:

16 (i) Strike the phrase “Washington Convention Center
17 Authority” and inserting the phrase “Washington Convention and Sports Authority
18 (“Authority”)” in its place.

19 (ii) Strike the phrase “Washington Convention Center
20 Authority Fund” and insert the phrase “Washington Convention Center Fund” in its
21 place.

22 Sec. 2047A. Applicability.

23 This subtitle shall apply as of October 1, 2009.

1 Sec. 2048. Fiscal impact statement.

2 The Council adopts the fiscal impact statement of the Chief Financial Officer as
3 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
5 206.02(c)(3)).

6 SUBTITLE N. CHILDREN’S ISLAND DEVELOPMENT PLAN.

7 Sec. 2049. Short title.

8 This subtitle may be cited as the “Children’s Island Development Plan
9 Amendment Act of 2009”.

10 Sec. 2050. Repeal of Children’s Island Development Plan Act of 1993.

11 The Children’s Island Development Plan Act of 1993, effective November 20,
12 1993 (D.C. Law 10-57; 40 DCR 7227), is repealed.

13 Sec. 2051. Fiscal impact statement.

14 The Council adopts the fiscal impact statement of the Chief Financial Officer as
15 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
16 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
17 206.02(c)(3)).

18 SUBTITLE O. SOUTHWEST WATERFRONT REDEVELOPMENT TIMING.

19 Sec. 2052. Short title.

20 This subtitle may be cited as the “Southwest Waterfront Redevelopment Timing
21 Act of 2009”.

1 Sec. 2053. Unless approved by the Council by resolution, the closing for the
2 conveyance of title of the Southwest Waterfront properties by the District, the disposition
3 of which was approved by the Council in the Southwest Waterfront Third Revised
4 Disposition Emergency Approval Resolution of 2008, effective December 16, 2008 (Res.
5 17-955), shall not occur before October 1, 2010.

6 Sec. 2054. Fiscal impact statement.

7 The Council adopts the fiscal impact statement of the Chief Financial Officer as
8 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
9 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
10 206.02(c)(3)).

11 SUBTITLE P. HOUSING PRODUCTION TRUST FUND.

12 Sec. 2055. Short Title.

13 This subtitle may be cited as the “Housing Production Trust Fund Amendment
14 Act of 2009”.

15 Sec. 2056. Short Title.

16 This subtitle may be cited as the “Housing Production Trust Fund Amendment
17 Act of 2009”.

18 Sec. 2057. Section 3(b)(10) of the Housing Production Trust Fund Act of 1988,
19 effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code §42-2802(b)(10)) is
20 amended by striking the phrase “5%” and inserting the phrase “20%” in its place

21 Sec. 2058. Applicability.

22 This subtitle shall apply retroactively as of October 1, 2008.

23 Sec. 2059. Fiscal Impact Statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE R. HOUSING ASSISTANCE PAYMENT.

6 Sec. 2060. Short title.

7 This subtitle may be cited as the “Housing Assistance Payment Clarification
8 Amendment Act of 2009”.

9 Sec. 2061. The Rental Housing Conversion and Sale Act of 1980, effective
10 September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 et. seq.) is
11 amended as follows:

12 (a) Section 304 (D.C. Official Code § 42-3403.04) is amended by adding a new
13 subsection (a-1) to read as follows:

14 “(a-1) Housing assistance payments shall be administered by the Department
15 of Housing and Community Development.”.

16 (b) Section 307 (D.C. Official Code § 42-3403.07) is amended as follows:

17 (1) A new subsection (a-1) is added to read as follows:

18 “(a-1) The fund shall be administered and managed by the Office
19 of Tenant Advocate, established by section 2065 of the Fiscal Year 2006 Budget Support
20 Act of 2005 (D.C. Official Code § 42-3531.05) and the Department of Housing and
21 Community Development.”.

22 (2) Subsection (b) (2) (D.C. Official Code § 42-3403.07 (b) (2)) is amended to
23 read as follows:

1 “(b)(2) An amount not to exceed one third of the funds annually collected
2 in the fund each fiscal year shall be used as follows:”.

3 (3) Subsection (b) (2) (B) (D.C. Official Code § 42-3403.07 (b) (2) (B)) is
4 amended to read as follows:

5 “(b)(2)(B) For administration and delivery of the Home Purchase
6 Assistance Program and for housing assistance payments for tenants displaced under the
7 provisions of Chapter 9 of Title 6” and

8 (b) Subsection (b) of section 307(D.C. Official Code § 42-3403.07(b)) is
9 amended as follows:

10 (1) Paragraph (1) is amended to read as follows:

11 “(1) An amount not to exceed one-third of the funds annually
12 collected in the fund each fiscal year shall be used to fund emergency housing and tenant
13 relocation assistance.”.

14 Sec. 2062. Fiscal impact statement.

15 The Council adopts the fiscal impact statement of the Chief Financial Officer as
16 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
17 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
18 206.02(c)(3)).

19 SUBTITLE S. RENTAL HOUSING COMMISSION.

20 Sec.2063. Short Title.

21 This subtitle may be cited as the “Rental Housing Commission Transfer of
22 Functions Amendment Act of 2009”.

1 Sec. 2064. Section 2(e)(19) of the Confirmation Act of 1978, effective March 3,
2 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(19)), is repealed.

3 Sec. 2065. Section 1108(c)(1)(C) of the District of Columbia Government
4 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139;
5 D.C. Official Code § 1-611.08(c)(1)(C)), is repealed.

6 Sec. 2066. Section 301 of the Department of Consumer and Regulatory Affairs
7 Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law. 6-42; D.C. Official
8 Code § 2-1803.01), is amended to read as follows:

9 “Sec. 301. Jurisdiction to hear appeal

10 “Except as provided in section 19 of the Office of Administrative Hearings
11 Establishment Act of 2001, effective March 16, 2002 (D.C. Law 14-76; D.C. Official
12 Code § 2-1831.16), the District of Columbia Board of Appeals and Review shall entertain
13 and determine appeals timely filed by persons aggrieved by orders issued by hearing
14 examiners pursuant to this act or by the Mayor, except that appeals involving infractions
15 of the Act to regulate the height of buildings in the District of Columbia, approved June
16 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01 *et seq.*), or the District of Columbia
17 Zoning Regulations shall be entertained and determined by the District of Columbia
18 Board of Zoning Adjustment; appeals involving infractions of the District of Columbia
19 Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Official
20 Code § 25-101 *et seq.*), or of any regulation issued under the authority of that act shall be
21 entertained and determined by the District of Columbia Alcoholic Beverage Control
22 Board; and appeals involving infractions of laws governing occupations and professions
23 or of regulations issued under the authority of those laws shall be entertained and

1 determined by the appropriate occupational or professional board or commission.
2 Appeals involving decisions or orders issued pursuant to the Rental Housing Act of 1985,
3 effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), or any
4 regulation promulgated under the authority of that act, that were issued before the
5 effective date of the Rental Housing Commission Transfer of Functions Emergency
6 Amendment Act of 2009, effective ??? (D.C. Law ???; ?? DCR ???), shall be entertained
7 and determined by the District of Columbia Rental Housing Commission. Appeals of
8 such decisions or orders issued thereafter shall be entertained and determined by the
9 Superior Court.”.

10 Sec. 2067. Section 19 of the Office of Administrative Hearings Establishment
11 Act of 2001, effective March 16, 2002 (D.C. Law 14-76; D.C. Official Code § 2-
12 1831.16), is amended as follows:

13 (a) Subsection (b) is amended to read as follows:

14 “(b) Any agency, board, commission, or body of an agency identified in Title III
15 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985,
16 effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1803.01 *et seq.*), other
17 than the Board of Appeals and Review, shall retain jurisdiction to entertain and determine
18 appeals from orders of Administrative Law Judges, as granted in that act. The Rental
19 Housing Commission shall have jurisdiction to review orders of the Office issued prior to
20 the effective date of the Rental Housing Commission Transfer of Functions Emergency
21 Amendment Act of 2009, effective ??? (D.C. Law ???; ?? DCR ???), in all adjudicated
22 cases brought pursuant to the Rental Housing Act of 1985, effective July 17, 1985 (D.C.
23 Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*). The Superior Court shall have

1 jurisdiction to review such orders of the Office issued thereafter. A board or commission
2 that delegates a matter pursuant to section 6(i) shall have jurisdiction of any appeal by
3 any party from an order of an Administrative Law Judge issued in that matter."

4 (b) Subsection (e) is amended to read as follows:

5 "(e) Judicial review of all orders of the Office in contested cases shall be in the
6 District of Columbia Court of Appeals in accordance with the procedures and rules of
7 that court, except that judicial review of orders of the Office issued after the effective
8 date of the Rental Housing Commission Transfer of Functions Emergency Amendment
9 Act of 2009, effective ??? (D.C. Law ???; ?? DCR ???), in adjudicated case brought
10 pursuant to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10;
11 D.C. Official Code § 42-3501.01 *et seq.*), shall be in Superior Court."

12 Sec. 2068. Section 308(d) of the District of Columbia Housing Finance Agency
13 Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code §42-2703.08(d)), is
14 amended by striking the phrase "simultaneously with the Agency and with the Rental
15 Housing Commission" and inserting the phrase "with the Rent Administrator" in its
16 place.

17 Sec. 2069. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law
18 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

19 (a) Section 103(21) (D.C. Official Code § 42-3501.03(21)) is amended to read as
20 follows:

21 "(21) "Mayor" means the Mayor of the District of Columbia or the
22 designated representative of the Mayor."

23 (b) Section 201 (D.C. Official Code § 42-3502.01) is amended as follows

1 (1) The section title is amended to read as follows:

2 “Sec. 201. Continuation of the Rental Housing Commission; composition;
3 appointment; qualifications; compensation; removal; abolition.”.

4 (2) Subsection (a) is amended by striking the phrase “is continued” and
5 inserting the phrase “is continued until October 1, 2009” in its place.

6 (3) A new subsection (f) is added to read as follows:

7 “(f) No later than September 1, 2009, the Rental Housing Commission shall issue
8 final orders in all appeals from decisions of the Rent Administrator or the Office of
9 Administrative Hearings filed with the Rental Housing Commission prior to the effective
10 date of the Rental Housing Commission Transfer of Functions Emergency Amendment
11 Act of 2009, effective ??? (D.C. Law ??; ?? DCR ???). Effective October 1, 2009, the
12 Rental Housing Commission is abolished.”.

13 (c) Section 202 (D.C. Official Code § 42-3502.02) is repealed.

14 (d) Section 204 (D.C. Official Code § 42-3502.04) is amended as follows:

15 (1) Subsection (a) is amended to read as follows:

16 “(a) The Rent Administrator shall draft rules and procedures to be transmitted to
17 the Mayor, who shall issue, amend, and rescind rules and procedures for the
18 administration of this act. All rules and procedures issued by the Rental Housing
19 Commission prior to the effective date of the Rental Housing Commission Transfer of
20 Functions Emergency Amendment Act of 2009, effective ??? (D.C. Law ??; ?? DCR
21 ???), shall remain in effect until amended or rescinded by the Mayor.”.

1 (2) Subsection (d)(2) is amended by striking the phrase “Rental Housing
2 Commission” and inserting the phrase “Rental Housing Commission or the Mayor” in its
3 place.

4 (e) Section 206(b) (D.C. Official Code § 42-3502.06(b)) is amended by striking
5 the phrase “Rental Housing Commission” and inserting the word “Mayor” in its place.

6 (f) Section 208(a)(1)(A) (D.C. Official Code § 42-3502.08(a)(1)(A)) is amended
7 by striking the phrase “the Rental Housing Commission shall consider acceptable through
8 its rulemaking procedures” and inserting the phrase “permitted by statute or regulation”
9 in its place.

10 (g) Section 216 (D.C. Official Code § 42-3502.16) is amended to read as follows:

11 “Sec. 216. Adjustment procedure.

12 “(a) The Rent Administrator shall consider adjustments allowed by sections 210,
13 211, 212, 213 and 214 or a challenge to a section 206 adjustment, upon a petition filed by
14 the housing provider or tenant. The petition shall be filed with the Rent Administrator on
15 a form provided by the Rent Administrator containing the information the Rent
16 Administrator or the Mayor may require. In cases where a hearing is not conducted, the
17 Rent Administrator shall issue a decision and an order approving or denying, in whole or
18 in part, each petition within 120 days after the petition is filed with the Rent
19 Administrator. The time may be extended only by written agreement between the housing
20 provider and tenant of the rental unit.

21 “(b) The Rent Administrator may deny the petition if the issue is moot or the
22 petition does not comply with subsection (a) of this section.

1 “(c) If a hearing is requested timely by either party, the hearing shall be
2 conducted by the Office of Administrative Hearings pursuant to section 6 of the Office of
3 Administrative Hearings Establishment Act of 2001, effective March 16, 2002 (D.C. Law
4 14-76; D.C. Official Code § 2-1831.03). Notice of the time and place of the hearing shall
5 be furnished the parties in accordance with that act and any applicable rules promulgated
6 under that act.

7 “(d) Each housing provider of any rental unit with respect to which a petition is
8 filed or initiated under this section shall submit to the Rent Administrator, within 15 days
9 after a demand is made, an information statement, on a form approved by the Rent
10 Administrator, containing the information the Rent Administrator or the Mayor may
11 require.

12 “(e) The Rent Administrator may consolidate petitions relating to rental units in
13 the same housing accommodation.

14 “(f) The Rent Administrator may, without holding a hearing, refuse to adjust the
15 rent charged for any rental unit, and may dismiss any petition for adjustment, if a final
16 decision has been made on a petition filed under this section, the Rental Accommodations
17 Act of 1975, the Rental Housing Act of 1977, or the Rental Housing Act of 1980 for
18 adjustment to the same rental units within the 6 months immediately preceding the filing
19 of the pending petition.

20 “(g) All petitions filed under this section and all hearings held relating to the
21 petitions shall be considered and held according to the provisions of this section and title
22 I of the District of Columbia Administrative Procedure Act.

1 “(h) Decisions of the Rent Administrator relating to any petition filed with the
2 Rent Administrator that does not require a hearing shall be made on the record. An
3 appeal from any decision of the Rent Administrator or the Office of Administrative
4 Hearings may be taken by the aggrieved party to the Superior Court within 10 days after
5 the decision is issued. The Superior Court shall apply the standards for review prescribed
6 in section 11 of the District of Columbia Administrative Procedure Act, effective October
7 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510), and may reverse or affirm, in
8 whole or in part, any decision of the Rent Administrator or the Office of Administrative
9 Hearings.

10 “(i) No increase in rent allowed under this chapter shall be implemented unless
11 the tenant concerned has been given written notice under section 904.

12 “(j) A copy of any decision made by the Rent Administrator under this section
13 shall be mailed by certified mail or other form of service which assures delivery of the
14 decision to the parties.

15 “(k) The Rent Administrator shall accord priority to a housing provider hardship
16 petition covering a housing accommodation for which the federal government is entitled
17 to approve rent increases, where the processing of such a petition has not begun within 45
18 days immediately following the filing of the petition. Processing of the petitions shall
19 begin no later than 5 days after receipt by the Rent Administrator of written requests from
20 the housing provider and from the federal agency.

21 “(l) No rent increase above that authorized by the Rent Administrator or the
22 Office of Administrative Hearings may be implemented by a housing provider during the

1 pendency of an appeal by that housing provider to the Superior Court or the District of
2 Columbia Court of Appeals where the appeal concerns the validity of that increase.”.

3 (h) Section 218 (D.C. Official Code § 42-3502.18) is amended to read as follows:

4 “Sec. 218. Remedy.

5 “The Mayor, or any affected housing provider or tenant may commence a civil
6 action in the Superior Court of the District of Columbia to enforce any rule or decision
7 issued under this act, except that appeals from decisions of the Rent Administrator or the
8 Office of Administrative Hearings issued after the effective date of the Rental Housing
9 Commission Transfer of Functions Emergency Amendment Act of 2009, effective ???
10 (D.C. Law ??; ?? DCR ???), shall be determined by the Superior Court in accordance
11 with the standards for review prescribed in section 11 of the District of Columbia
12 Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1209; D.C. Official
13 Code § 2-510).”.

14 (i) Section 219 (D.C. Official Code § 42-3502.19) is amended to read as follows:

15 “Sec. 219. Judicial review.

16 “Any person or class of persons aggrieved by a decision of the Rent
17 Administrator or the Office of Administrative Hearings, or by any failure of the Rent
18 Administrator to act within any time certain mandated by this act may seek judicial
19 review of the decision or an order compelling the decision by filing a petition for review
20 in the Superior Court. Judicial review of decisions of the Rental Housing Commission
21 may be obtained by filing a petition for review in the District of Columbia Court of
22 Appeals.”.

1 (j) Section 701 (D.C. Official Code § 42-3507.01) is amended by striking the
2 phrase “Rental Housing Commission” and inserting the word “Mayor” in its place.

3 (k) Section 901(a) (D.C. Official Code § 42-3509.01(a)) is amended to read as
4 follows:

5 “(a) Any person who knowingly (1) demands or receives any rent for a rental unit
6 in excess of the maximum allowable rent applicable to that rental unit under the
7 provisions of Title II of this act, or (2) substantially reduces or eliminates related services
8 previously provided for a rental unit, shall be held liable by the Rent Administrator, the
9 Office of Administrative Hearings, or the Superior Court, as applicable, for the amount
10 by which the rent exceeds the applicable rent charged or for treble that amount (in the
11 event of bad faith) and/or for a roll back of the rent to the amount the Rent Administrator,
12 the Office of Administrative Hearings, or the Superior Court determines.”.

13 (l) Section 902 (D.C. Official Code § 42-3509.02) is amended by striking the
14 phrase “Rental Housing Commission,” and inserting the phrase “Office of Administrative
15 Hearings,” in its place.

16 (m) Section 904 (D.C. Official Code § 42-3509.04) is amended as follows:

17 (1) Subsection (a) is amended by striking the phrase “Rental Housing
18 Commission”.

19 (2) Paragraph (a)(4) is amended to read as follows:

20 “(4) By any other means that is in conformity with a rule or order of the
21 Mayor, Rent Administrator, Office of Administrative Hearings, or Superior Court.”.

22 Sec. 2070. Applicability

1 Sections xx02, xx03, xx07(c), xx07(k), xx07(l), and xx07(m) shall apply as of
2 October 1, 2009.

3 Sec. 2071. Fiscal impact statement.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer as
5 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
6 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 SUBTITLE S. RENTAL UNIT FEE AMENDMENT.
9

10 Sec. 2072. Short title.

11 This subtitle may be cited as the “Rental Unit Fee Amendment Act of 2009.”

12 Sec. 2073. Section 401 of the Rental Housing Act of 1985, effective July 17,
13 1985 (D.C. Law 6-10; D.C. Official Code § 42-3504.01), is amended by striking the
14 phrase “\$17” and inserting the phrase “\$21.50” in its place.”

15 Sec. 2074. Fiscal impact statement.

16 The Council adopts the fiscal impact statement of the Chief Financial Officer as
17 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
18 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
19 206.02(c)(3)).

20 SUBTITLE T. ABATEMENT OF NUISANCE PROPERTY FUND.

21 Sec. 2075. Short Title.

22 This subtitle may be cited as the “Abatement Property Nuisance Fund
23 Amendment Act of 2009”.

1 Sec. 2076. Chapter 31A of Title 42 of the District of Columbia Official Code is
2 amended as follows:
3 Section 1 (b) (2) of An Act To provide for the abatement of nuisances in the District of
4 Columbia by the Commissioners of said District, and for other purposes, approved April
5 14, 1906 (34 Stat. 114, ch. 1626; D.C. Official Code § 42-3131.01 (b) (2)) is amended by
6 adding the phrase, “donations or restitution” before the phrase “from any source to the
7 fund or to the District of Columbia for the purposes of the fund;” and by adding the
8 phrase “recoveries from enforcement action brought by the Office of the Attorney
9 General on behalf of the District of Columbia or District of Columbia agencies for the
10 abatement of violations of Title 14, Chapters 1 through 16 of the District of Columbia
11 Code of Municipal Regulations, excluding funds obtained through administrative
12 proceedings;” before the phrase “;and all other receipts of whatever nature derived from
13 the operation of the fund.”.

14 Sec. 2077. Fiscal impact statement.

15 The Council adopts the fiscal impact statement of the Chief Financial Officer as
16 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
17 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
18 206.02(c)(3)).

19 **TITLE III. PUBLIC SAFETY AND JUSTICE**

20 SUBTITLE A. GOOD TIME CREDITS ACT.

21 Sec. 3001. Short title.

22 This subtitle may be cited as the “District of Columbia Good Time Credits
23 Amendment Act of 2009”.

1 Sec. 3002. Section 3 of the District of Columbia Good Time Credits Act of 1986,
2 effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01), is amended
3 as follows:

4 Paragraph (a) is amended by striking the word "completing" in the first sentence
5 and inserting in its place the phrase "participating in"; and by striking the sentence
6 “These credits shall not be awarded until completion of the academic or vocational
7 program.”

8 Sec. 3003. Fiscal impact statement.

9 The Council adopts the fiscal impact statement of the Chief Financial Officer as
10 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
11 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(3)).

13 SUBTITLE B. OFFICE OF ATTORNEY GENERAL LITIGATION SUPPORT
14 FUND.

15 Sec. 3004. Short title.

16 This subtitle may be cited as “Office of the Attorney General Litigation
17 Support Fund Act of 2009”.

18 Sec. 3005. Office of the Attorney General Litigation Support Fund

19 (a) There is hereby established the Office of the Attorney General Litigation
20 Support Fund (“Fund”), which shall be a revolving, non-lapsing fund that shall be
21 continually available to the Office of the Attorney General (“OAG”), subject to
22 appropriation authority, for general support litigation expenses associated with defending
23 or prosecuting litigation cases on behalf of the District of Columbia or District agencies.

1 The Fund shall not be used for any other purpose and shall not revert to the General Fund
2 of the District of Columbia at the end of any fiscal year or at any other time.

3 (b) The Chief Financial Officer shall transfer the sum of \$750,000 from the
4 Consumer Protection Fund, established pursuant to D.C. Official Code § 28-3911, as an
5 initial deposit to the Fund on or about October 1, 2009.

6 (c) Beginning on October 1, 2009, the following percentages of any recoveries
7 from litigation brought by OAG on behalf of the District or District agencies shall be
8 deposited into the Fund:

9 (1) 5% of any recovery under \$2 million;

10 (2) 2.5% of any recovery between \$2 million and \$5 million; and

11 (3) 1% of any recovery in excess of \$5 million.

12 (d) For purposes of subparagraph (c), “recovery” shall include funds obtained
13 through court determinations or through settlement of lawsuits in which OAG represents
14 the District or District agencies, but shall not include:

15 (1) Funds obtained through administrative proceedings in which OAG
16 represents the District or District agencies; or

17 (2) Funds obligated to another source or fund by District or federal law.

18 Sec. 3006. Fiscal impact statement.

19 The Council adopts the fiscal impact statement of the Chief Financial Officer as
20 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
21 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE D. EMERGENCY COMMUNICATIONS INFRASTRUCTURE.

1 Sec. 3007. Short title.

2 This subtitle may be cited as the “The Emergency Communications Funding Act
3 of 2009”.

4 (a)(1) There is imposed upon all local exchange carriers, including wireline and
5 wireless carriers and interconnected Voice Over Internet Protocol (“VoIP”) service
6 providers, as defined by 47 C.F.R. § 9.3, that connect users who dial or enter the digits 9-
7 1-1 to the District's public safety answering points, a monthly tax calculated on the basis
8 of each individual telephone line sold or leased in the District as follows:

9 (A) For wireline local exchange service:

10 (i) \$1.01 per exchange access line in the District of Columbia;

11 (ii) \$1.01 per Centrex line in the District of Columbia; and

12 (iii) \$1.01 per private branch exchange station in the District of Columbia;

13 (B) For wireless telephone exchange service, \$1.15 for each telephone number
14 that has a District of Columbia billing address; and

15 (C) For interconnected VoIP service, as defined by 47 C.F.R. § 9.3, \$1.15 for
16 each line, trunk, or path that can access to, connect with, or interface with 911 service
17 based on primary place of use.

18 (2) The PBX tax per station shall be converted into a per-trunk tax based on a
19 ratio of 8 PBX stations to one PBX trunk.

20 (b) Each local exchange carrier local exchange carrier shall submit the tax

1 imposed under subsection (a) of this section to the Mayor on a quarterly basis.

2 (c) As part of the annual request for appropriations from the Fund, the
3 Mayor shall provide a report to the Council addressing whether the tax imposed under
4 this section should be adjusted.

5 (d) Each local exchange carrier is authorized to state on the invoice to customers
6 a separate line item stating the amount of tax levied pursuant to this section.

7 Sec. 3008. Fiscal impact statement.

8 The Council adopts the fiscal impact statement of the Chief Financial Officer as
9 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
10 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
11 206.02(c)(3)).

12 SUBTITLE D. CIVIL LEGAL SERVICES REPORTING AND
13 RULEMAKING.

14 Sec. 3009. Short title.

15 This subtitle may be cited as the "Civil Legal Services Reporting and Rulemaking
16 Amendment Act of 2009".

17 Sec. 3010. Section 3032 of the Civil Legal Services Amendment Act of 2007,
18 effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114), is
19 amended by adding new subsections (d) and (e) to read as follows:

20 "(d) The Bar Foundation shall, on a quarterly basis, provide a report to the Office
21 of the Attorney General and to the Council that states the amount of grant funding used
22 during the quarter to prepare for or conduct litigation against the District of Columbia, to
23 the extent that such litigation is permitted under the Bar Foundation's agreement with the

1 Office of the Attorney General and the rules that the Attorney General adopts pursuant to
2 this act. The quarterly report shall, at a minimum, state the amount expended by each
3 subgrantee for the purpose of preparing for or conducting litigation against the District of
4 Columbia, the nature of each matter for which grant funds were so expended, the amount
5 expended on each matter, and, for each matter, the nature of the activities supported by
6 grant funds. The Office of the Attorney General may condition funding for the Bar
7 Foundation or any subgrantee on the timely and complete submission to the Council and
8 the Office of the Attorney General of the information contained in the report required
9 under this subsection or any other information the Office of the Attorney General or the
10 Council deems necessary to determine the Bar Foundation's or a subgrantee's
11 compliance with the agreement or any applicable rules.

12 “(e) The Attorney General may issue rules to implement the provisions of this act.
13 The rules may include standards for the financial management of grant funds, the timing
14 and conditions of disbursement of grant funds, the allow ability of costs, the permissible
15 uses of grant funds, and reporting and recordkeeping by the Bar Foundation and its
16 subgrantees.”.

17 Sec. 3011. Fiscal impact statement.

18 The Council adopts the fiscal impact statement of the Chief Financial Officer as
19 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
20 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
21 206.02(c)(3)).

22 SUBTITLE E. UNIFIED SUPERVISION OF EMERGENCY MEDICAL
23 SERVICES.

1 Sec. 3012. Short title.

2

3 This subtitle may be cited as “Unified Supervision of Emergency Medical
4 Services Amendment Act of 2009”.

5 Sec. 3013. Section 202(a) of the Paramedic and Emergency Medical Technician

6 Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C.

7 Law 14-28; D.C. Official Code § 5-409.01(a)), is amended by adding a new paragraph

8 (6) to read as follows:

9 “(6) The requirements of paragraphs (1) and (3) of this subsection shall not apply

10 to transferred employees who hold the rank of lieutenant or higher at the time of transfer,

11 or who transfer into positions of the rank of lieutenant or higher.”.

12 Sec. 3014. Fiscal impact statement.

13 The Council adopts the fiscal impact statement of the Chief Financial Officer as

14 the fiscal impact statement required by section 602(c)(3) of the District of Columbia

15 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-

16 206.02(c)(3)).

17 SUBTITLE F. EXPANSION OF CIVIL COMMITMENT.

18

19 Sec. 3015. Short title.

20

21 This subtitle may be cited as “Expansion of Civil Commitment for Persons Found
22 Incompetent to Proceed Based on Mental Retardation Amendment Act of 2009”.

23 Sec. 3016. The Mentally Retarded Citizens Constitutional Rights and Dignity Act

24 of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Code § 7-1301.02 *et seq.*), is

25 amended as follows:

26 (a) Section 103 (D.C. Official Code 7-1301.03) is amended as follows:

1 (1) Paragraph (14B) is amended as follows:

2 (A) Subparagraph (B) is amended by striking the phrase “crime of
3 violence” and inserting the phrase “crime of violence, crime against property,” in its
4 place.

5 (B) Subparagraph (C) is amended by striking the phrase “or
6 participate in sentencing or transfer proceedings; and” and inserting the phrase “or
7 participate in delinquency proceedings, sentencing, or transfer proceedings; and” in its
8 place.

9 (2) A new paragraph (9A) is added to read as follows:

10 “(9A) “Delinquency proceeding” means any proceeding in which there is
11 a petition charging a respondent with a crime of violence, crime against property, or sex
12 offense.”.

13 (b) Section 306 (D.C. Official Code § 7-1303.06) is amended as follows:

14 (1) The section title is amended by striking the word “guardian.” and
15 inserting the phrase “guardian or by the District of Columbia.” in its place.

16 (2) A new subsection (a-1) is added to read as follows:

17 “(a-1) For an individual found incompetent in a criminal case, a written petition
18 by the District may be filed with the Court to have the individual committed to a facility.
19 Upon the filing of the petition, the Court shall promptly conduct a hearing in accordance
20 with the procedures set forth title IV of this act.”.

21 (c) Section 409 (D.C. Official Code § 7-1304.09) is amended by adding a new
22 subsection (e) to read as follows:

1 “(e) For persons committed pursuant to sections 304(b-1) and 306(a-1), the court
2 shall enter an order specifically requiring the respondent’s parent or guardian to
3 participate in the habilitation and care of the committed respondent if the committed
4 respondent is younger than 18, unless the court determines that such an order is not in the
5 best interests of the respondent.”.

6 Sec. 3017. Fiscal impact statement.

7 The Council adopts the fiscal impact statement of the Chief Financial Officer as
8 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
9 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
10 206.02(c)(3)).

11 TITLE IV. PUBLIC EDUCATION SYSTEM

12 SUBTITLE A. STATE ACADEMIC STANDARDS.

13 Sec. 4001. Short Title.

14 This subtitle may be cited as the “State Standards Clarification Act of 2009.”

15 Sec. 4002. The District of Columbia School Reform Act of 1995, approved April
16 26, 1996 (Pub. L. 104-134; D.C. Official Code § 38-1800.01 *et seq.*) is amended as
17 follows:

18 (a) Section 2002 (D.C. Official Code § 38-1800.02) is amended as follows:

19 (1) Paragraph (5) is amended by striking the phrase “the Board of Education
20 of the District of Columbia” and inserting the phrase “the governing body of the District
21 of Columbia Public Schools prior to the enactment of the Public Education Reform
22 Amendment Act of 2007” in its place;

23 (2) The following definition is added as paragraph (6A):

1 “(6A) *Chancellor* – The term Chancellor means the Chancellor of the District of
2 Columbia Public Schools established by section 105 of the Public Education
3 Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C.
4 Official Code § 38-174).”.

5 (3) Paragraph (13) is amended by striking the word “Superintendent” and
6 inserting the phrase “State Superintendent” in its place.

7 (4) Subparagraph (17)(A) is repealed.

8 (5) Paragraph (28) is amended by striking the phrase “Superintendent and
9 approved by the Board of Education” and inserting the word “Chancellor” in its place.

10 (6) A new paragraph (31A) is added to read as follows:

11 “(31A) “*State Superintendent* – The term State Superintendent means the
12 State Superintendent of Education established by section 2 of the State Education Office
13 Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official
14 Code § 38-2601).”;

15 (7) Paragraph (34) is amended by striking the phrase “Board of Education”
16 and inserting the phrase “District of Columbia public schools” in its place.

17 (b) Section 2204 (D.C. Official Code § 38-1802.04) is amended as follows:

18 (1) Subsection (c)(3)(B) is amended by striking the phrase “Superintendent,
19 Board of Education” and inserting the word “Chancellor” in its place.

20 (2) Subsection (c)(12) is amended by striking the phrase “Board of Education”
21 each place it appears and inserting the phrase “Office of the State Superintendent of
22 Education” in its place;.

1 (3) Subsection (c)(19A) (D.C. Official Code § 38-1802.04 (c) (19A)) is
2 repealed.

3 Sec. 4003. The State Education Office Establishment Act of 2000, effective
4 October 21, 2000 (D.C. Law 13-176), as added by the Public Education Reform
5 Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code
6 §38-2601.01 *et seq.*), is amended as follows:

7 (a) Section 2a is amended to read as follows:

8 “(2a) “The Office of the State Superintendent of Education shall serve as the state
9 education agency and perform the functions of a state education agency for the District of
10 Columbia under applicable federal and local law, including grant-making, oversight, and
11 state educational agency functions for state and federal standards, assessments, and
12 accountability requirements for elementary and secondary education.”.

13 (b) Section 3(b) is amended by adding the following new paragraph (18):

14 “(18) Develop and adopt state academic standards applicable to public school
15 students in the District of Columbia, whether enrolled in District of Columbia public
16 schools or public charter schools, subject to any approval of the State Board of Education
17 required by section 403 (a) (2) of the Public Education Reform Amendment Act of 2007,
18 effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(2)).”.

19 Sec. 4004. Section 403 (a) (2) (A) of the State Board of Education Establishment
20 Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652 (a)
21 (2) (A)) is amended by replacing the term “children” with “students in public schools,
22 including public charter schools, in the District of Columbia.”

23 Sec. 4005. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE B. CHARTER SCHOOL AUDIT AND INTEGRITY ACT.

6 Sec. 4006. Short Title.

7 This subtitle may be cited as the “Charter School Audit and Integrity Act of
8 2009.”

9 Sec. 4007. The District of Columbia School Reform Act of 1995, approved April
10 26, 1996 (Pub. L. 104-134; D.C. Official Code § 38-1800.01 *et seq.*) is amended as
11 follows:

12 (a) Section 2002 (10)(B) is amended to read as follows:

13 “(10) (B) *Exception*-- The term "District of Columbia Government" neither
14 includes the Authority nor a public charter school, except for the purposes of review of a
15 public charter school by the Office of the Inspector General pursuant to the authority
16 granted in section 208(c)(1) of the District of Columbia Procurement Practices Act of
17 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.08) or by
18 the District of Columbia Auditor pursuant to the authority granted in section 455 of the
19 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C.
20 Official Code § 1-204.55).”;

21 (b) Section 2204(c)(11)(B)(ix) (D.C. Official Code § 38-1802.04 (c) (11) (B) (ix))
22 is amended by striking the phrase “, the District of Columbia Board of Education Charter
23 School Board,”.

1 Sec. 4008. Fiscal impact statement.

2 The Council adopts the fiscal impact statement of the Chief Financial Officer as
3 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
5 206.02(c)(3)).

6 SUBTITLE C. UNIFORM PER STUDENT FUNDING FORMULA FOR
7 PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS.

8 Sec. 4009. Short Title.

9 This subtitle may be cited as the “Uniform Per Student Funding Formula for
10 Public Schools and Public Charter Schools Amendment Act of 2009.”

11 Sec. 4010. The Uniform Per Student Funding Formula for Public Schools and
12 Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998,
13 effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code §38-2901 *et seq.*), is
14 amended as follows:

15 (a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase
16 “\$8,770 per student for fiscal year 2009” and inserting the phrase “8,945 per student for
17 fiscal year 2010” in its place.

18 (b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the
19 tabular array and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2010
“Pre-School	1.34	\$11,987
“Pre-Kindergarten	1.30	\$11,629
“Kindergarten	1.30	\$11,629
“Grades 1-3	1.00	\$8,945
“Grades 4-5	1.00	\$8,945
“Ungraded ES	1.00	\$8,945

1	"Grades 6-8	1.03	\$9,214
2	"Ungraded MS/JHS	1.03	\$9,214
3	"Grades 9-12	1.16	\$10,377
4	"Ungraded SHS	1.16	\$10,377
5	"Alternative Program	1.17	\$10,466
6	"Special ed schools	1.17	\$10,466
7	"Adult	0.75	\$6,709."

8
9 (c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended by striking the
10 tabular array and inserting the following tabular array in its place:

11 "Special Needs Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2010
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4,652
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$7,067
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,955
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$25,315
LEP/NEP	Limited and non-English proficient students	0.45	\$4,025
Summer	An accelerated instructional program in the summer for students who do not meet literacy	0.17	\$1,521

standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools

Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,909
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1	“Residential Add-ons:			
	Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2010
	Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,346
	Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,166
	Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a	2.941	\$26,308

residential setting

Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$26,156
Level 5: Special Education - Residential	Residential placement	9.40	\$84,087
LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,083

- 1 Special Education Add-ons for Students with Extended School Year Indicated in Their
- 2 Individualized Education Programs (IEPs):
- 3

Level/Program	Definition	Weight	Per Pupil Supplemental FY 2009
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$569
Special Education Level 2 ESY	Additional funding to support the summer school/program need for	0.231	\$2,068

	students who require extended school year (ESY) services in their IEPs		
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,472
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,446
Special Education Level 5 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	1.598	\$14,294

(d) Section 107 (D.C. Official Code § 38-2906) is amended as follows:

(1) Subsection (c) (D.C. Official Code § 38-2906 (c)) is repealed.

(2) Subsection (d) (D.C. Official Code § 38-2906 (d)) is amended by striking the phrase “State Education Office” and inserting the phrase “Office of the State Superintendent of Education” in its place; and

(3) Subsection (e) (D.C. Official Code § 38-2906 (e)) is amended by striking the phrase “Board of Education is required to submit its budget request” and inserting the phrase “Chancellor is required to submit his or her budget request” in its place;

1 (e) Section 107a (D.C. Official Code § 38-2906.01) is repealed.

2 (f) Section 107b (D.C. Official Code § 38-2906.02) is amended to add a new

3 subsection (h) to read as follows:

4 “(h) Local education agencies (LEAs) receiving payments under this act must
5 comply with the District’s state-level regulations, policies, and standards as well as
6 applicable federal standards. Payments made under this act may be conditioned on a
7 local education agency’s demonstrated compliance with state regulations, policies, and
8 standards, the existence of internal controls sufficient to ensure that Formula funds are
9 spent directly on the education of the District students enrolled in the LEA and an LEA’s
10 demonstrated compliance with applicable federal education statutes, regulations, and
11 guidelines. In cases of non-compliance, an LEA may be required to adopt and implement
12 a corrective action plan before receiving funding.”.

13 (g) Section 108 (D.C. Official Code § 38-2907) is amended to read as follows:

14 “38-2907. Education costs excluded from the Formula payments.

15 (a) Transportation for students with disabilities, tuition payments for private
16 placements for students with disabilities, and state education functions for the District are
17 not covered by the Formula and shall be appropriated by the Mayor and Council to the
18 state education agency for the District of Columbia (the Office of the State
19 Superintendent of Education or OSSE) or to another District agency as deemed
20 appropriate by the Mayor in addition to the amount generated by the Formula.

21 (b) The OSSE as the state education agency for the District of Columbia shall
22 perform all state education functions for public charter schools and for D.C, Public
23 Schools as local education agencies.”.

1 (h) Section 110 (D.C. Official Code § 38-2909 is amended by striking the phrase
2 “4%” and inserting the phrase “2%” in its place.

3 Sec. 4011. Fiscal impact statement.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer as
5 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
6 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 SUBTITLE D. CHARTER SCHOOL FACILITIES ALLOTMENT.

9 Sec. 4012. Short Title.

10 This subtitle may be cited as the “Charter School Facilities Allotment Reform
11 Act”.

12 Sec. 4013. Section 109 of the Uniform Per Student Funding Formula for Public
13 Schools and Public Charter Schools Act of 1998, approved March 26, 1999 (D.C. Law
14 12-207; D.C. Official Code § 38-2908), is amended by striking subsections (a) through
15 (c) and inserting in their place new subsections (a) through (c-2) to read as follows:

16 “(a) In fiscal year 2010, and in each subsequent year, the per pupil facility
17 allowance for a Charter LEA shall equal the sum of all eligible facilities costs, divided by
18 the audited enrollment of the LEA; provided, that any single Charter LEA’s per pupil
19 facility allowance shall be no more than \$3,109 and no less than \$1,000.

20 Sec. 4013A. Section 109 of the Uniform Per Student Funding Formula for Public
21 Schools and Public Charter Schools Act of 1998, approved March 26, 1999 (D.C. Law
22 12-207; D.C. Official Code §38-2906.02 is amended by striking subsection (a) and
23 inserting in its place a new subsection (a) to read as follows:

1 “(a) The Mayor shall make payments to each public charter school from the
2 escrow account established under § 38-1804.03 to a bank designated by each
3 school. The annual payment shall be made in the form of 4 equal quarterly
4 payments calculated in accordance with this section. The first payment shall be
5 made no later than July 15. Subsequent payments shall be made no later than
6 October 15, January 15, and April 15.”

7 “(b)(1) For Charter LEAs occupying leased space, eligible facilities costs shall
8 include only the following expenses:

- 9 “(i) Direct lease payments assessed at a reasonable market rate;
- 10 “(ii) Real estate taxes;
- 11 “(iii) Property insurance;
- 12 “(iv) Amortization of leasehold improvements;
- 13 “(v) Debt service for leasehold improvements, to include interest,
14 principal, and costs of debt issuance; and
- 15 “(vi) Major repairs that meet the definition of capital projects as
16 defined in section 103 (8) of the District of Columbia Home Rule Act, approved
17 December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.03 (8)).

18 “(2) For Charter LEAs occupying space owned by the Charter LEA,
19 eligible facilities costs shall include only the following expenses:

- 20 “(i) Applicable real estate taxes;
- 21 “(ii) Property insurance;
- 22 “(iii) Depreciation of buildings and capital improvements;

1 “(iv) Debt service for mortgage financing to include interest,
2 principal, costs of debt issuance, and other amortized finance costs; and

3 “(v) Major repairs that meet the definition of capital projects as
4 defined by section 103 (8) of the District of Columbia Home Rule Act, approved
5 December 24, 1973 (87 Stat. 877; D.C. Official Code § 1-201.03 (8)).

6 “(c) No later than July 1, 2009, the Public Charter School Board shall establish an
7 application and approval process for Charter LEAs wishing to receive a facilities
8 allotment. The Public Charter School Board shall have the authority to approve and
9 submit to the Office of the Chief Financial Officer, for direct payment on a quarterly
10 basis, the per pupil amount for which each public charter LEA is eligible.

11 “(c-1) The Office of the Chief Financial Officer shall use audited enrollment
12 numbers for each charter LEA to determine the total payment to each school.

13 “(c-2) On an annual basis, the Public Charter School Board shall submit to the
14 Office of the Chief Financial Officer, the Mayor and the Council of the District of
15 Columbia an accounting of the funding received pursuant to subsection (a) of this
16 section.”.

17 Sec. 4014. Fiscal impact statement.

18 The Council adopts the fiscal impact statement of the Chief Financial Officer as
19 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
20 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
21 206.02(c)(3)).

22 TITLE V. HUMAN SUPPORT SERVICE

23 SUBTITLE A. GRANDPARENT CAREGIVERS EXTENSION PROGRAM.

1 Sec. 5001. Short title.

2 This subtitle may be cited as “Grandparent Caregivers Extension Program Act of
3 2009”.

4 Sec. 5002. Section 102 of the Grandparent Caregivers Pilot Program
5 Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official
6 Code § 4-251.02) is amended as follows:

7 (a) Subsection (a) is amended by striking the word “pilot”.

8 (b) Subsection (b) is repealed.

9 Sec. 5003. Fiscal impact statement.

10 The Council adopts the fiscal impact statement of the Chief Financial Officer as
11 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
12 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 SUBTITLE B. DEPARTMENT OF HEALTH GRANT AUTHORITY.

15 Sec. 5004. Short title.

16 This subtitle may be cited as the “Department of Health Grant Authority
17 Amendment Act of 2009”.

18 Sec. 5005. The Department of Health Functions Clarification Act of 2001,
19 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is
20 amended by adding a new section 4907a to read as follows:

21 “4907a. Grant authority.

1 “The Director of the Department of Health shall have the authority to issue grants
2 to qualified community providers for the purposes of conducting health promotion,
3 preventing disease, and providing health services.”.

4 Sec. 5006. Fiscal impact statement.

5 The Council adopts the fiscal impact statement of the Chief Financial Officer as
6 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
7 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
8 206.02(c)(3)).

9 SUBTITLE D. EFFI SLAUGHTER BARRY HIV/AIDS INITIATIVE.

10 Sec. 5007. Short title.

11 This subtitle may be cited as the Effi Slaughter Barry HIV/AIDS Initiative
12 Amendment Act of 2009.

13 Sec. 5008. The Effi Slaughter Barry HIV/AIDS Initiative Act of 2008, effective
14 March 20, 2008 (D.C. Law 17-117; D.C. Official Code § 7-1611 et seq.), is amended as
15 follows:

16 (a) Section 4 (D.C. Official Code § 7-1613) is amended by striking the phrase
17 “community HIV/AIDS service providers as part of a 2-year program designed to build
18 operational capacities, improve HIV/AIDS service delivery, enable accurate performance
19 measurement, and increase revenue diversity.” and inserting the phrase “small
20 community and faith based organizations located within areas of the District hardest hit
21 by the HIV/AIDS epidemic to start and/or expand a range of HIV/AIDS prevention and
22 support programming.

(b) Section 6 (D.C. Official Code § 7-1615) is amended by striking the phrase “community HIV/AIDS services providers” and inserting the phrase “small community and faith based organizations”.

(c) Section 6 (D.C. Official Code § 7-1616) is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is amended by striking and replacing with the phrase “The Department of Health shall distribute capacity building grants to initiative participants in an amount not to exceed the funds available in the Effi Slaughter Barry Initiative Fund, outlined in D.C. Official Code § 7-1617. The Director of the Department of Health is authorized to make direct grants to qualified community providers to effectuate the purpose of this section, subject to terms and conditions approved by the Department of Health.”.

Sec. 5009. Fiscal Impact Statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

SUBTITLE D. MEDICAL ASSISTANCE PROGRAM.

Sec. 5010. Short title.

This subtitle may be cited as the “Medical Assistance Program Amendment Act of 2009”.

Sec. 5011. Submission of medical assistance plans.

1 Section 1 of An Act to enable the District of Columbia to receive federal
2 assistance under title XIX of the Social Security Act for a medical assistance program
3 and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code
4 §1.307.02 (a) is amended by striking the existing subsection (a) and inserting in its place
5 a new subsection (a) to read as follows:

6 “(a) The Mayor may submit, under title XIX of the Social Security Act (Title
7 XIX), to the Secretary of the United States Department of Health and Human Services, a
8 plan for medical assistance (and any modifications of the plan) to enable the District to
9 receive federal financial assistance under Title XIX for a medical assistance program
10 established by the Mayor under such plan.”.

11 Sec. 5012. Fiscal Impact Statement.

12 The Council adopts the fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule
14 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

15 SUBTITLE C. GRANT-MAKING AUTHORITY FOR THE DIRECTOR OF
16 THE DEPARTMENT OF YOUTH REHABILITATION SERVICES.

17 Sec. 5013. Short title.

18 This subtitle may be cited as the “Department of Youth Rehabilitation Services
19 Grant-Making Act of 2009”.

20 Sec.5014. Section 104 of the Department of Youth Rehabilitation Services
21 Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Code § 2-
22 1515.04), is amended as follows:

23 (a) In paragraph (12), strike the word “and” at the end of that paragraph.

(b) In paragraph (13), strike the period at the end of the sentence and insert the phrase “; and” in its place.

(a) Add a new paragraph (14) to read as follows:

“(14) Issuing grants for programs that deliver prevention, intervention, therapeutic, or rehabilitation services, supports, or opportunities.”

“(14) Issuing grants for programs that deliver prevention, intervention, therapeutic, or rehabilitation services, supports, or opportunities.”

Sec. 5015. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE VI. PUBLIC WORKS

SUBTITLE A. DRIVER EDUCATION PROGRAM AND FLEET PROGRAM.

Sec. 6001. Short title.

This subtitle may be cited as the “Driver Education Program and Fleet Program Amendment Act of 2009.”

Sec. 6002. Section 9(c) of The Motor Vehicle Services Fees and Driver Education Support Act of 1982, effective April 3, 1982 (D.C. Law 4-97; D.C. Official Code § 50-1405.01(c)), is amended to read as follows:

“(c) Amounts allocated to, or deposited in, the Driver Education Program Fund shall be used by a District of Columbia agency, including the Department of Motor Vehicles, for the purposes of offering driver education programs approved by the Department of Motor

1 Vehicles or used at the discretion of the Mayor for Department of Motor Vehicle functions as set
2 forth in § 50-904.”.

3 Sec. 6003. Section 304a of The District of Columbia Traffic Adjudication Act of 1978,
4 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §50-2303.04a is amended to
5 read as follows:

6 (a) The title to D.C. Official Code § 50-2303.04a is amended by striking the word
7 “adjudication” and inserting the word “reconciliation”.

8 (b) Subsection (a) is amended as follows:

9 (1) Paragraph (1) is amended to read as follows:

10 (1)“Fleet” means 10 or more company owned or long-term leased motor
11 vehicles, unless a vehicle was part of the fleet adjudication program, in which case at the motor
12 vehicle owner’s election, the vehicle shall be part of the fleet reconciliation program. The term
13 fleet shall not include motor vehicles which are vehicles for hire pursuant to § 47-2829”.

14 (2) Paragraph (2) is amended to read as follows:

15 (2) “Motor vehicle fleet owner” means any corporation, firm, agency
16 association, organization, or other entity holding legal title to 10 or more company owned or
17 leased motor vehicles, unless the owner was part of the fleet adjudication program, in which case
18 the owner would be entitled to be part of the fleet reconciliation program”.

19 (c) Subsection (b) is amended by striking the word “adjudication” and inserting
20 the word “reconciliation”.

21 (d) The lead-in language to subsection (d) is amended by striking the word
22 “adjudication” and inserting the word “reconciliation”.

23 (e) Subsection (d)(2) is amended by striking the word “adjudication” and inserting

1 the word “reconciliation”.

2 (f) Subsection (d)(3) is amended to read as follows:

3 (3) “Satisfy all outstanding parking, moving and automatic
4 enforcement infractions prior to registration in the program”.

5 (g) Subsection (e) is amended to read as follows:

6 (e) “A fleet owner participating in the fleet reconciliation program shall pay
7 the amount owed stated in the monthly fleet infraction report within 30 days of its receipt, which
8 sets forth the date and time of the infraction and other information contained in the original
9 notice of infraction. If the amount set forth in the fleet infraction report is not paid within 30
10 days, the Director shall notify the owner in writing that failure to pay within 30 days of the date
11 of the notice of failure to pay shall be grounds for removal from the program. A fleet owner shall
12 be given notice in writing if it is being removed from the program. The effective date of the
13 removal shall be the date that notice of removal is sent to the fleet owner. A fleet owner shall not
14 be entitled to adjudicate any violations listed in the monthly fleet infraction report. Penalties set
15 forth in § 50-2301.05(2)(A) or (B) are not applicable to the fleet reconciliation program. If a fleet
16 owner is removed from the program by the Director, then the penalties set forth in § 50-
17 2301.05(2)(A) or (B) shall immediately apply and the owner shall be responsible for any
18 penalties that would have incurred if the vehicle had not been part of the program. A fleet vehicle
19 shall not be subject to towing or immobilization for failure to pay notices of infraction while part
20 of the fleet reconciliation program. If a fleet vehicle is removed from the program, either
21 voluntarily or as a result of removal by the Director, the vehicle shall become immediately
22 subject to towing or immobilization if the vehicle would have been subject to towing or
23 immobilization had it not been part of the program.”.

1 Sec. 6004. Fiscal Impact Statement.

2 The Council adopts the fiscal impact statement of the Chief Financial Officer as
3 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
5 206.02(c)(3)).

6 SUBTITLE B. VEHICLE INSPECTION IMPROVEMENT.

7 Sec. 6005. Short title.

8 This subtitle may be sited as the “Vehicle Inspection Improvement Amendment
9 Act of 2009”.

10 Sec. 6006. Title 18 of the District of Columbia Municipal Regulations is
11 amended as follows:

12 (a) Section 600 is amended as follows:

13 (1) Subsection 600.1 is amended to read as follows:

14 “This chapter shall contain rules prescribing standards for inspection of all
15 motor vehicles registered in the District; and the procedure under which approved and
16 rejected vehicles shall be processed.”

17 (2) Subsection 600.4 is amended by inserting the phrase “or, if applicable,
18 as set forth in §§ 601.4, 601.5 and 601.6” after the phrase “public street or space”.

19 (b) Section 601 is amended as follows:

20 (1) Subsection 601.2 is amended by striking the phrase “Motor Vehicle
21 Inspection Manual of the District of Columbia (also referred to as the ‘District Inspection
22 Manual’ or ‘Manual’), and inserting the phrase “current edition of the Washington DC
23 Vehicle Inspection Program Lane Operator’s Manual (also referred to as the ‘Lane

Operator’s Manual’))” or when applicable, to the current edition of the American Association of Motor Vehicle Administrator’s (‘AAMVA’) Vehicle Inspection Manual (also referred to as the ‘AAMVA Manual’)).

(2) Subsection 601.3 is amended by striking the phrase “The 1982 and 1999 issues of the Motor Vehicle Inspection Manual of the District of Columbia” and inserting in its place “The ‘Lane Operator’s Manual’ or when applicable, the ‘AAMVA Manual’”, and by striking the phrase “Motor Vehicle Inspection Manual of the District of Columbia” and inserting in its place the ‘Lane Operator’s Manual’ or the ‘AAMVA Manual’”.

(3) Subsection 601.4 is amended by striking “§601.5” and inserting “§601.6” and further striking the phrase “safe operating condition”.

(4) Subsection 601.5 is re-designated as Subsection 601.6.

(5) New Subsection 601.5 is to read as follows:

“Except as provided in § 601.6, vehicles registered in the District of Columbia shall be inspected periodically for safe operating condition and compliance with this Title as follows:

(a) Buses not owned or leased by the Washington Metropolitan Area Transit Authority Bus: semiannually;

(b) Taxicab and other public vehicles for hire: semiannually;

(c) Commercial vehicle: annually; and

(d) Tow truck: annually.”

(c) Section 602 is amended as follows:

(1) Subsection 602.5 is amended by striking the word “safety”.

1 (2) Subsection 602.6 is amended by striking the word “After” and inserting
2 the phrase “No later than”.

3 (d) Section 603 is amended as follows:

4 (1) Subsection 603.1 is amended to read as follows:

5 603.1 “If, upon inspection of any vehicle, the Director determines that it
6 conforms to the standards contained in the current edition of the ‘Lane Operator’s Manual’, or
7 when applicable, the current edition of the ‘AAMVA Manual’ and this Title, the Director shall
8 issue to the registrant or person desiring registration an approved inspection sticker for the
9 vehicle.”

10 (2) Subsection 603.4 is repealed.

11 (e) Section 604 is amended as follows:

12 (1) Subsection 604.1 is amended to read as follows:

13 “If, upon inspection of any vehicle, the Director determines it does
14 not conform to the standards in the current edition of the ‘Lane Operator’s Manual’, or when
15 applicable, the current edition of the ‘AAMVA Manual’ and this Title, the Director shall issue to
16 the registrant or person desiring registration a rejection sticker”.

17 (2) Subsection 604.2, 604.6, 604.7, 604.9 and 604.10 are repealed.

18 (f) Section 605 is amended as follows:

19 (1) Subsection 605.2 is amended as follows:

20 “The determination that the items which were the basis for the issuance of
21 the rejection sticker have been brought into compliance with the applicable standard and the
22 subsequent issuance of an "approved" inspection sticker may be made by personnel of the motor
23 vehicle inspection facilities operated by the District of Columbia, except as provided in §600.6.”

1 (2) Subsections 605.3 through 605.27 are deleted.

2 (g) Section 606 is amended as follows:

3 Subsection 606.2 is amended by striking the phrase “District Inspection
4 Manual” and inserting in its place “ ‘Lane Operator’s Manual’ or when applicable, the
5 current ‘AAMVA Manual’”.

6 (h) Sections 610 through 613 are repealed.

7 (i) Sections 615 through 618 are repealed.

8 (j) Subsection 700.6 is amended by striking the following phrase “The Motor Vehicle
9 Inspection Manual of the District of Columbia (also referred to as ‘District Inspection Manual’ or
10 ‘Manual’” and inserting in its place “The current edition of the Washington DC Vehicle
11 Inspection Program Lane Operator’s Manual (also referred to as the ‘Lane Operator’s Manual’)
12 or when applicable, to the current edition of the American Association of Motor Vehicle
13 Administrator’s (‘AAMVA’) Vehicle Inspection Manual (also referred to as the ‘AAMVA
14 Manual’)

15 (k) Subsection 700.7 is amended by striking the following phrase “District
16 Inspection Manual” and inserting in its place “the current edition of the ‘Lane Operator’s
17 Manual’, or when applicable, to the current edition of the ‘AAMVA Manual’” and striking the
18 word “Manual” after the phrase “Copies of the” and inserting in its place “current edition of the
19 Lane Operator’s Manual’ and the current edition of the ‘AAMVA Manual’”.

20 (l) Subsection 754.4 is amended by deleting the phrase “Vehicle Inspection
21 Manual” and inserting in its place “the current edition of the Washington DC Vehicle Inspection
22 Program Lane Operator’s Manual (also referred to as the ‘Lane Operator’s Manual’), or when
23 applicable, to the current edition of the American Association of Motor Vehicle

1 Administrator's ('AAMVA') Vehicle Inspection Manual (also referred to as the 'AAMVA
2 Manual')".

3 (m) Subsection 756.3 is amended by deleting the phrase "Vehicle Inspection
4 Manual" and inserting in its place "the current edition of the Washington DC Vehicle Inspection
5 Program Lane Operator's Manual (also referred to as the 'Lane Operator's Manual'), or when
6 applicable, to the current edition of the American Association of Motor Vehicle Administrator's
7 ('AAMVA') Vehicle Inspection Manual (also referred to as the 'AAMVA Manual')."

8 Sec. 6007. Fiscal Impact Statement.

9 The Council adopts the fiscal impact statement of the Chief Financial Officer as
10 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
11 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(3)).

13 SUBTITLE C. EQUITABLE PARKING METER RATES.

14 Sec. 6008. Short title.

15 This subtitle may be cited as the "Equitable Parking Meter Rates Amendment
16 Act of 2009".

17 Sec. 6009. Sec. 2. Chapter 24 of Title 18 of the District of Columbia Municipal
18 Regulations is amended as follows

19 (a) Section 2404 is amended by adding a new subsection 2404.25 to read as
20 follows:

21 "2404.25. Except as provided in § 2424, and notwithstanding the provisions of
22 this section, the rates for parking meters in the District of Columbia shall be increased as
23 follows:

1 “(1) Parking meters charging a rate of \$1 per hour as of December 16,
2 2008, shall be increased to a rate of \$2 per hour.

3 “(2) All other parking meter rates shall be increased by 25 cents per hour
4 from rates in effect as of December 16, 2008.”.

5 (b) Section 2426 is repealed.

6 Sec. 6010. Section 2 of the Parking Meter Fee Moratorium Act of 2004, effective
7 April 5, 2005 (D.C. Law 15-273; D.C. Official Code § 50-2633.01) is repealed.

8 Sec. 6011. The Equitable Parking Meter Rates Temporary Amendment Act of
9 2009, enacted January 28, 2009 (D.C. Act 17-713) is repealed.

10 Sec. 6012. Fiscal impact statement.

11 The Council adopts the fiscal impact statement of the Chief Financial Officer as
12 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
13 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
14 206.02(c)(3)).

15 SUBTITLE D. DISTRICT DEPARTMENT OF TRANSPORTATION
16 ESTABLISHMENT.

17 Sec. 6013. Short title.

18
19 This may be cited as the “District Department of Transportation Establishment
20 Amendment Act of 2009”.

21 Sec. 6014. Section 9c of the Department of Transportation Establishment Act of
22 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.11), is
23 amended as follows:

1 (a) Subsection (b) is amended by striking the phrase “financing tools,” and inserting
2 in its place the phrase “financing tools, to pay a portion of the District’s annual operating
3 subsidies to the Washington Metropolitan Area Transit Authority,”.

4 (b) Paragraph (4) of subsection (c) is amended to read as follows:

5 “(4) One hundred percent of the proceeds collected by the District for rental
6 of public space, including revenue generated by public space rental fees collected pursuant
7 to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat.
8 1158; D.C. Official Code § 10-1101.01 *et al.*) (the “Act”) and bus shelter advertising
9 revenue; provided, that any incremental revenue generated by public space rental fees for
10 vaults pursuant to § 10-1103.03 of the Act shall be deposited into the Highway Trust
11 Fund.”.

12 Sec. 6015. Fiscal impact statement.

13 The Council adopts the fiscal impact statement of the Chief Financial Officer as
14 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
15 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
16 206.02(c)(3)).

17 SUBTITLE E. PERFORMANCE PARKING PILOT ZONE.

18
19 Sec. 6016. Short title.

20 This may be cited as the “Performance Parking Pilot Zone Amendment Act of
21 2009”.

22 Sec. 6017. Section 5 of the Performance Parking Pilot Zone Act of 2008,
23 effective November 25, 2008 (D.C. Law 17-279; 55 DCR 11059), is repealed.

24 Sec. 6018. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE F. DC TAXICAB COMMISSION SPECIAL ACCOUNT.

6
7 Sec. 6019. Short title.

8 This may be cited as the “District of Columbia Taxicab Commission
9 Establishment Amendment Act of 2009”.

10 Sec. 6020. District of Columbia Taxicab Commission Fund.

11 Section 20a of the District of Columbia Taxicab Commission Establishment Act
12 of 1985, effective May 10, 1988 (D.C. Law 7-107; D.C. Official Code § 50-320) is
13 amended as follows:

14 (a) The second sentence of subsection (a) is amended to read as follows: “The
15 Fund shall consist of all assessments levied by the Commission against operators of
16 taxicabs and passenger vehicles for hire upon the issuance and renewal of a public
17 vehicle operator’s identification license issued pursuant to D.C. Official Code § 47-
18 2829(e).”

19 (b) Subsection (b) is amended to read as follows:

20 “(b) The Fund shall be used to pay the costs of the Commission, including the
21 costs of operating and administering programs, investigations, proceedings, and
22 inspections of the Commission, including any costs for improving the District’s taxicab
23 fleet.”.

24 (c) Subsection (c) is amended as follows:

1 (1) Strike the phrase “taxicab operators” and insert the phrase “taxicab
2 and passenger vehicle for hire operators” in its place.

3 (2) Strike the phrase “taxicab rates” and insert the phrase “taxicab and
4 passenger vehicle for hire rates” in its place.

5 (d) Subsection (d) is amended by striking the phrase “taxicab operator” and
6 inserting the phrase “taxicab and passenger vehicle for hire operator” in its place.

7 (e) Subsections (e) and (f) are repealed.

8 Sec. 6021. Fiscal impact statement.

9 The Council adopts the fiscal impact statement of the Chief Financial Officer as
10 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
11 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(3)).

13 SUBTITLE G. DEPOSIT OF MOTOR VEHICLE INSURANCE FINES.

14 Sec. 6022. Short title.

15 This act may be cited as the “Deposit of Motor Vehicle Insurance Fines
16 Amendment Act of 2009”.

17 Sec. 6023. Section 8(2) of the Motor Vehicle Theft Prevention Act of 2008,
18 effective July 18, 2008 (D.C. Law 17-197; D.C. Official Code § 3-1357(2)), is repealed.

19 Sec. 6024. Section 15(d) of the Compulsory/No-Fault Motor Vehicle Insurance
20 Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-
21 2413(d)), is repealed.

22 Sec. 6025. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE H. STREET LIGHT OPERATION AND MAINTENANCE FEE.

6 Sec. 6026. Short title.

7 This act may be cited as the “Street Light Operation and Maintenance Fee Act of
8 2009”.

9 Sec. 6027. Street Light User Fee.

10 (a) There shall be established a Street Light User Fee to cover the cost of the
11 operation and maintenance of street lights throughout the District.

12 (b) The Street Light User Fee shall be billed and collected monthly by Potomac
13 Electric Power Company (“PEPCO”) or any other electric company, as that term is
14 defined in DC Code § 34-207, with the electric utility bill as follows:

15 (1) For residential customers, the fee shall be four dollars and twenty-five
16 cents (\$4.25) per month;

17 (2) For commercial customers, the fee shall be equal to sixteen dollars
18 and seventy-five cents (\$16.75) per month; or

19 (3) For all other customers, the fee shall be equal to forty-two dollars
20 (\$42.00) per month.

21 (c) A landlord shall not pass a Street Light User Fee to a tenant that is more than
22 the Street Light User Fee prescribed by the Director.

1 (d) The Mayor may offer financial assistance through the Energy Assistance
2 Trust Fund, as established by section 211 of the Clean and Affordable Energy Act of
3 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.11) to
4 mitigate the impact of any Street Light User Fees on low-income residents of the District.

5 Sec. 6028. Regulations.

6 (a) The Street Light User Fee shall be modified from time to time by rule by the
7 Director of the District Department of Transportation (“Director”) to cover costs
8 described in subsection 4(c) of this Act.

9 (b) The Director may modify by regulation the method of collecting the Street
10 Light User Fee.

11 Sec. 6029. Street Light Operation and Maintenance Fund.

12 (a) There is established within the District Department of Transportation a Street
13 Light Operation and Maintenance Fund (“Street Light Fund”), which shall be a
14 segregated account within the General Fund of the District of Columbia.

15 (b) All revenues, proceeds, and monies deposited into the Street Light Fund shall
16 not, at any time, be transferred to, lapse into, or be commingled with the General Fund of
17 the District of Columbia, the District Department of Transportation Unified Fund
18 established by the *District Department of Transportation Unified Fund Amendment Act*
19 *of 2007*, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 50-921.11)
20 the District of Columbia Highway Trust Fund established by section 102 of the *Highway*
21 *Trust Fund Establishment Act of 1996*, effective April 19, 1997 (D.C. Law 11-184; D.C.
22 Official Code § 9-111.01), or any other funds or accounts of the District of Columbia, but

1 shall continually be available for the uses and purposes set forth in subsection (c) of this
2 section without regard to fiscal year limitation, subject to authorization by Congress.

3 (c) Monies from the Street Light Fund shall only be used by DDOT to fund the
4 costs associated with the operation and maintenance of street lights in the District,
5 including all associated administrative, operating, and capital costs.

6 (d) PEPCO or another electric company shall deposit all revenues, proceeds, and
7 moneys collected from the Street Light User Fee to the Street Light Fund.

8 Sec. 6030. Fiscal impact statement.

9 The Council adopts the fiscal impact statement of the Chief Financial Officer as
10 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
11 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(3)).

13 SUBTITLE I. D.C. TAXICAB LICENSE FEE.

14 Sec. 6031. Short title.

15 This act may be cited as the “D.C. Taxicab License Fee Amendment Act of
16 2009”.

17 Sec. 6032. The District of Columbia Taxicab Commission Establishment Act of
18 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301, et seq.) is
19 amended as follows:

20 (a) Section 9 (D.C. Official Code § 50-308) is amended by inserting a new
21 subsection (d) to read as follows:

22 “(d) Notwithstanding the requirements of this section and of section 8 of this
23 subchapter, and the requirements of D.C. Official Code § 47-2829(e)(1), the Chairperson

1 of the Commission is authorized to establish, before October 1, 2009, license fees as
2 follows:

3 (1) For taxicab operators, the fees shall be:

4 (A) For a taxi hacker face license as defined in 31 DCMR 899.1:

5 (i) \$75 annually and \$150 biennially; and

6 (ii) \$50 for an annual assessment fee and \$100 for a biennial
7 assessment fee.

8 (B) For a not for hire drivers' license, as described in 31 DCMR
9 1009, the fee shall be \$100 annually.

10 (2) For a business license/operating authority license, the fee shall be \$475
11 annually.

12 (b) Section 14 (D.C. Official Code § 50-313) is amended as follows:

13 (1) By striking subsection (c-1).

14 (2) By adding a new subsection (f) to read as follows:

15 “(f) The Chairperson of the Commission is authorized to establish before
16 October 1, 2009, the following license fees for limousines:

17 (1) For a limousine driver face license, as defined in 31 DCMR 1299.1:

18 (A) \$75 annually and \$150 biennially; and

19 (B) \$50 for an annual assessment fee and \$100 for a biennial assessment
20 fee.

21 (2) For vehicle permits for inter-jurisdictional vehicles described in 31 DCMR
22 1216, the fees shall be:

23 (A) For inter-jurisdictional limousine vehicles with the Washington

1 Metropolitan Area Transit Commission (WMATC) authorization, \$200 per vehicle.

2 (B) For inter-jurisdictional limousine vehicles without WMATC
3 authorization, \$200 per vehicle.

4 (3) For business license/operating authority, the fees shall be:

5 (A) For a DC-based limousine organization - business license,
6 \$475 annually.

7 (B) For a DC-based limousine independent - business license, \$250
8 annually.

9 (c) Section 20 (D.C. Official Code § 50-319) is amended by striking
10 subsection (b-1).

11 Sec. 6033. Fiscal impact statement.

12 The Council adopts the fiscal impact statement of the Chief Financial Officer as
13 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
14 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
15 206.02(c)(3)).

16 TITLE VII. FINANCE AND REVENUE

17

18 SUBTITLE A. INCORPORATION OF ACTS SUBJECT-TO-

19 APPROPRIATIONS PASSED.

20 Sec. 7001. Short title.

21 This subtitle may be cited as the “Elimination of Subject-To-Appropriations
22 Amendment Act of 2009”.

23 Sec. 7002. Section 401 of the Southwest Waterfront Bond Financing Act of 2008,
24 effective October 22, 2008 (D.C. Law 17-252; 55 DCR 9251), is repealed.

1 Sec.7003. Section 3 of the National Public Radio Property Tax Abatement Act of
2 2008, effective August 29, 2008 (D.C. Law 17-220; 55 DCR 8235), is repealed.

3 Sec. 7004. Section 15 of the City Market at O Street Tax Increment Financing
4 Acct of 2008, effective November 28, 2008 (D.C. Law 17-278; 55 DCR 11050), is
5 repealed.

6 Sec. 7005. Section 3 of the Georgia Commons Real Property Tax Exemption and
7 Abatement Act of 2007, effective February 27, 2008 (D.C. Law 17-113; 55 DCR 1866),
8 is repealed.

9 Sec. 7006. Section 3 of the Urban Institute Real Property Tax Abatement
10 Temporary Act of 2009, signed by the Mayor on January 28, 2009 (D.C. Act 17-710), is
11 repealed.

12 Sec. 7007. Fiscal impact statement.

13 The Council adopts the fiscal impact statement of the Chief Financial Officer as
14 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
15 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
16 206.02(c)(3)).

17 SUBTITLE B. SALES TAX APPLICABILITY.

18 Sec. 7008. Short title.

19 This subtitle may be cited as the “Sale Tax Applicability Amendment Act of
20 2009”.

21 Sec. 7009. Title 47 of the District of Columbia Official Code is amended by
22 Repealing subsection 47-2005(32A).

23 Sec. 7010. Fiscal impact statement.

1 The Council adopts the fiscal impact statement of the Chief Financial Officer as
2 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
3 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE C. BOARD OF REAL PROPERTY ASSESSMENTS AND
6 APPEALS.

7 Sec. 7011. Short title.

8 This subtitle may be cited as the “Board of Real Property Assessments and
9 Appeals Amendment Act of 2009”.

10 Sec. 7012. Title 47 of the District of Columbia Official Code is amended as
11 follows:

12 (a)(1) The table of contents for Chapter 4 is amended by striking the section
13 designation “47-412. Repealed.” and inserting the section designation “47-412. Time for
14 performance of acts where last day falls on Saturday, Sunday, or legal holiday.” in its
15 place.

16 (2) Section 47-412 is amended to read as follows:

17 “§ 47-412. Time for performance of acts where last day falls on Saturday,
18 Sunday, or legal holiday.

19 “When the last day prescribed under authority of the tax laws administered by the
20 Office of Tax and Revenue for performing any act falls on Saturday, Sunday, or a legal
21 holiday, the performance of such act shall be considered timely if it is performed on the
22 next succeeding day which is not a Saturday, Sunday, or a legal holiday. For purposes of
23 this section, the last day for the performance of any act shall be determined by including

1 any authorized extension of time; the term "legal holiday" means a legal holiday in the
2 District of Columbia.”.

3 (b) Section 47-825.01 is amended as follows:

4 (1) Paragraph (a)(1)(E) is amended to read as follows:

5 “(E) The Mayor may remove a member of the Board for cause as
6 determined by the Mayor, notwithstanding subsections (3) and (4) of this section.”.

7 (2) Subsection (d) is amended as follows:

8 (A) Paragraph (1) is amended as follows:

9 (AA) Subparagraph (A) is amended to read as follows:

10 “(A) Each appeal to the Board shall be reviewed by a panel of the
11 Board. The number of Board members on a panel shall be as follows:

12 “(i) In the case of an individually owned single-family
13 home or condominium unit, or any other real property assessed during the administrative
14 review at \$3,000,000 or less (or under the notice of assessment if such administrative
15 review is unavailable), a 1-member panel shall be convened; provided that a panel
16 described in sub-subparagraph (ii) of this subparagraph shall be convened at the direction
17 of the chairperson or if both the appellant and the Mayor request such a multimember
18 panel.

19 “(ii) In the case of all other real property, a 3-member panel
20 shall be convened; provided that both the appellant and the Mayor may together agree to
21 a 2-member panel.”.

22 (B) The second sentence of paragraph (4) is amended to read as
23 follows:

1 “Each decision shall be signed by the deciding Board member. In the case
2 of an appeal heard by a multi-member panel, each member who participated in the
3 hearing and deliberations shall sign the opinion and indicate whether he or she agreed
4 with or dissented from the decision of the panel.”.

5 (C) Renumber the existing paragraph (5) as paragraph (6).

6 (D) Add a new paragraph (5) to read as follows:

7 “(5) The Board shall publish on the internet with respect to the decision
8 concerning any real property whose assessment or classification was appealed to the
9 Board the following:

10 “(A) The assessment and classification resulting from the
11 administrative review;

12 “(B) The assessment and classification, as determined by the
13 Board; and

14 “(C) The names of the members of the Board who were on the
15 panel that established the assessment or classification, or both, indicating whether the
16 participating board member agreed with or dissented from the decision of the panel.”.

17 (3) Subsection (f-1) is amended as follows:

18 (A) Paragraph (6) is amended as follows:

19 (AA) In subparagraph (A) strike the phrase “20 business”
20 and insert the term “30” in its place.

21 (BB) Subparagraph (B) is amended as follows:

22 (i) Sub-subparagraph (i) is amended to read as
23 follows:

“(i) Notwithstanding any other provision in this subparagraph, if the assessor’s worksheet is mailed with the notice of final determination to the owner, such worksheet shall be deemed to be the response of the Mayor to the owner’s appeal before the Board, as such response may be amended by subsequent filings as provided in this subparagraph, and such response shall not be required to be filed with the Board before the hearing. If the worksheet is not mailed with the notice of final determination to the owner or if the Mayor’s response is amended, the Mayor shall provide a copy of its response or amended response to the owner’s appeal to the Board as provided in sub-subparagraphs (ii) and (iii) of this subparagraph.

(ii) In sub-subparagraph (ii), strike the word “business”.

(iii) In sub-subparagraph (iii), strike the phrase “7 business” and insert the word “10” in its place.

(iv) In sub-subparagraph (iv), strike the phrase “unless the response is a direct rebuttal to a contention raised by the owner which was not in the appeal filed by the owner” and insert the phrase “except as provided in sub-subparagraph (i) of this subparagraph” in its place.

(CC) A new subparagraph (C) is added to read as follows:

“(C) If a hearing is re-scheduled, response due dates shall be readjusted as if such date of the re-scheduled hearing were the date of the original hearing.”.

(B) A new paragraph (7) is added to read as follows:

“(7) Any appraisal submitted to the Board by the owner or the Mayor shall be subject to full disclosure to the Board, the owner and the Mayor, including work

1 papers and data sources. Information provided under this paragraph shall be subject to
2 the non-disclosure provisions of § 47-821(d)(2).”.

3 (4) Subsection (g) is amended as follows:

4 (A) Paragraph (1) is amended to read as follows:

5 “(1) Where an assessment of a real property is under appeal to the Board,
6 or is otherwise brought before the Board, under this section, the Board shall determine
7 the estimated market value of the real property for the applicable tax year.”.

8 (B) A new paragraph (3) is added to read as follows:

9 “(3) The owner shall demonstrate by a preponderance of the evidence that
10 the assessment of the real property does not represent the estimated market value or that
11 the classification of the real property is erroneous.”.

12 (5) A new subsection (j-3) is added to read as follows:

13 “(j-3) Except when applicable to a real property that is a single family residence
14 or condominium unit, the Mayor may appeal a proposed assessed value or classification
15 of a real property to the Superior Court of the District of Columbia before October 1 of
16 the next succeeding tax year, or within such later time as the owner or new owner would
17 be permitted to appeal such proposed assessed value or classification under subsection (j-
18 1) or (j-2). The filing of an appeal by the Mayor shall not toll the due date of any tax bill,
19 and a change in the assessment or classification by the Superior Court that results in an
20 increase in the amount of tax owed for the tax year shall be billed, including any penalty
21 and interest now owing, as if such increased amount of tax were originally levied and
22 billed. The Superior Court shall hear and determine the appeal as provided by D.C.

1 Official Code § 47-3303. The Superior Court’s decision shall be subject to the provisions
2 of, and shall be reviewable pursuant to, D.C. Official Code § 47-3304.”.

3 (c) In section 47-1005.01(f)(2), add the following sentence:

4 “Except when applicable to a single family residence or condominium unit, the
5 Mayor may appeal a decision by the Board of Real Property Assessments and Appeals in
6 the same manner and to the same extent as allowed under § 47-825.01(j-3).”.

7 Sec. 7013. Applicability.

8 Section 2 (b)(5) and 2 (c) shall apply to appeals filed concerning assessments or
9 classifications for tax year 2009 and thereafter.

10 Sec. 7014. Fiscal impact statement.

11 The Council adopts the fiscal impact statement of the Chief Financial Officer as
12 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
13 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
14 206.02(c)(3)).

15 SUBTITLE D. CLASS 2 PROPERTY TAX RATE.

16 Sec. 7015. Short title.

17 This subtitle may be cited as the “Class 2 Property Tax Rate Amendment Act of
18 2009”.

19 Sec. 7016. Subsection 47-812(b-9) of the District of Columbia Official Code is
20 amended as follows:

21 (a) Paragraph (1) is amended by striking the phrase “October 1,
22 2008,” each place in which it appears and inserting the phrase “October 1, 2008 and each
23 tax year thereafter,” in its place.

(b) Paragraphs (2) and (3) are stricken and the remaining paragraph of the subsection is renumbered accordingly.

Sec. 7017. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

SUBTITLE E. FISCAL YEAR 2010 EXPENDITURE OF CERTAIN DEDICATED TAXES.

Sec. 7018. Short title.

This subtitle may be cited as the “Fiscal Year 2010 Expenditure of Dedicated Taxes Amendment Act of 2009”.

Sec. 7019. Notwithstanding any provision of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code 6-1071 *et seq.*), up to \$11.566 million may be expended from the Neighborhood Investment Fund in fiscal year 2010 for New Communities human capital activities, community-serving projects implemented by the Department of Parks and Recreation, Commission on Arts and Humanities, Department of Human Services, Department of Health, and Office of the Deputy Mayor for Planning and Economic Development, grants or other financial support for community-serving non-profits, operating expenses of community development projects administered by the District, operating expenses of the District’s economic development and community development activities, and such other expenses as may be included in the Fiscal Year 2010 budget or a reprogramming.”.

1 Sec. 7020. Fiscal impact statement.

2 The Council adopts the fiscal impact statement of the Chief Financial Officer as
3 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
5 206.02(c)(3)).

6 SUBTITLE F. OPERATING CASH RESERVE.

7 Sec. 7021. Short title.

8 This subtitle may be cited as the “Operating Cash Reserve Amendment Act of
9 2009”.

10 Sec. 7022. Title 47-392.02(j-1) of the District of Columbia Official Code is
11 amended as follows:

12 (a) Paragraph (2) is amended to read as follows:

13 “(2) The Operating Cash Reserve may be funded by annual
14 appropriations.”.

15 (b) Paragraphs (3), (4), (5), and (6) are repealed.

16 Sec. 7023. Fiscal impact statement.

17 The Council adopts the fiscal impact statement of the Chief Financial Officer as
18 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
19 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
20 206.02(c)(3)).

21 SUBTITLE G. PARTNERSHIPS AND GRANTS.

22
23 Sec. 7024. Short title.

1 This subtitle may be cited as the “Process for Specified Grants Amendment Act of
2 2009”.

3 Sec. 7025. Section 1014 of the Specified Funding Allocations Act of 2007
4 (Subtitle I-B of the Fiscal Year 2008 Budget Support Act of 2007), effective September
5 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-333.12) is repealed.

6 Sec. 7026. Fiscal impact statement.

7 The Council adopts the fiscal impact statement of the Chief Financial Officer as
8 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
9 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
10 206.02(c)(3)).

11 SUBTITLE H. SCHOOL MODERNIZATION FINANCING.

12 Sec. 7027. Short title.

13 This subtitle may be cited as the “School Modernization Financing Amendment
14 Act of 2009”.

15 Sec. 7028. (a) Official Code § 47-305.02 is amended as follows:

16 (a) Subsection (a) is amended by repealing paragraphs (4), (5) and (6); and

17 (b) Subsection (b) is repealed.

18 Sec. 7039. Fiscal impact statement.

19 The Council adopts the fiscal impact statement of the Chief Financial Officer as
20 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
21 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE I. REAL PROPERTY FAIRNESS.
24

1 Sec. 7030. Short title.

2 This subtitle may be cited as the “Owner-Occupant Residential Tax Credit
3 Amendment Act of 2009”.

4 Sec. 7031. Title 47 of the District of Columbia Official Code is amended as
5 follows:

6 (a)(1) The table of contents for Chapter 8 is amended by striking the section
7 designation “47-864.01. Owner-occupant residential tax credit (conditional).” and
8 inserting the section designation “47-864.01. Repealed.” in its place.

9 (2) Section 47-864.01 is repealed.

10 (b) Section 47-864 is amended to read as follows:

11 “(a) Real property receiving the homestead deduction under § 47-850 or § 47-
12 850.01 shall receive an owner-occupant residential tax credit.

13 “(b) The credit under subsection (a) of this section shall be calculated as follows:

14 “(1)(A) In the case of a real property that did not receive the credit under
15 this section in the prior tax year:

16 “(i) Subtract the current tax year’s homestead deduction
17 from the prior tax year’s assessed value; and

18 “(ii) Multiply the amount by 110% to determine the current
19 tax year’s taxable assessment; or

20 “(B) In the case of a real property that did receive the credit under
21 this section in the prior tax year:

22 “(i) Multiply the prior tax year’s taxable assessment by
23 110%; and

1 “(ii) Subtract from that amount the difference of the current
2 tax year’s homestead deduction less the prior tax year’s homestead deduction to
3 determine the current tax year’s taxable assessment.

4 “(2) Subtract the current tax year’s homestead deduction from the current
5 tax year’s assessed value;

6 “(3) Subtract the current tax year’s taxable assessment determined under
7 paragraph (1) of this subsection from the amount determined in paragraph (2) of this
8 subsection to establish the assessed value of the capped credit;

9 “(4) If the assessed value of the capped credit determined under paragraph
10 (3) of this subsection is a positive number, multiply the assessed value of the capped
11 credit by the applicable real property tax rate to determine the credit for the current tax
12 year.

13 “(c) The credit under this section shall not apply if:

14 “(1) During the prior tax year:

15 “(A) The real property was transferred for consideration to a new
16 owner and the return required by section 303(d) of the District of Columbia Deed
17 Recordation Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code §§ 42-
18 1103(d)) and 47-903(d)) was due;

19 “(B) The value of the real property was increased due to a change
20 in the zoning classification of the real property initiated or requested by the homeowner
21 or anyone having an interest in the real property; or

22 “(C) The assessed value of the real property was clearly erroneous
23 due to an error in calculation or measurement of improvements on the real property;

1 “(2) During the prior calendar year, the real property was assessed under §
2 47-829; or

3 “(3) During the current tax year, the qualifying homestead deduction
4 applications for dwelling units in a cooperative housing association are:

5 “(i) Filed for less than 50% of the dwelling units; or

6 “(ii) Not filed timely for the entire tax year.

7 “(d) Notwithstanding any other provision of this section, if the entire interest in
8 the real property is transferred to a new owner and the real property no longer qualifies as
9 a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the
10 credit applicable to the installment payable during the half tax year during which the
11 ownership interest was transferred. At the end of the half tax year, the credit shall cease.

12 “(e) Notwithstanding any other provision of this chapter, if the current tax year’s
13 taxable assessment of a real property receiving the homestead deduction under § 47-850
14 or § 47-850.01 is less than 40% of the current tax year’s assessed value, the current tax
15 year’s taxable assessment for purposes of subsection (b)(1) of this section shall be 40% of
16 the current tax year’s assessed value.

17 “(f) The credit shall:

18 “(1) Be nonrefundable;

19 “(2) Be apportioned equally between each installment during the tax year;

20 and

21 “(3) Not be carried forward or carried back.”.

22 Sec. 7032. Applicability.

23 Section 2 of this act shall apply to tax periods beginning after September 30,
24 2009.

1 Sec. 7033. Fiscal impact statement.

2 The Council adopts the fiscal impact statement of the Chief Financial Officer as
3 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
4 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
5 206.02(c)(3)).

6 SUBTITLE J. DELAWARE HOLDING COMPANY.

7
8 Sec. 7034. Short title.

9 This subtitle may be cited as the “Interest Expense and Intangible Expense Paid to
10 Related Parties Disallowance Act of 2009”.

11 Sec. 7035. Chapter 18 of title 47 of the District of Columbia Official Code is
12 amended as follows:

13 a. Section 47-1803.03(a)(19) of the District of Columbia Code is
14 repealed.

15 b. Section 47-1803.03(d) of the District of Columbia Code is amended to
16 add a new paragraph to read as follows:

17 “(8)(A) Any otherwise deductible interest expense or intangible expense if the
18 interest expense or intangible expense is directly or indirectly paid to, accrued or
19 incurred by, or in connection directly or indirectly, with one or more direct or indirect
20 transactions with, one or more related members.

21 (B) Exceptions. - The disallowance under subparagraph (A) of this paragraph
22 does not apply to any portion of the interest expense or intangible expense to the extent
23 that the corporation establishes, as determined by the Chief Financial Officer, that:

24 (i) the transaction giving rise to the payment of the interest expense or

1 intangible expense between the corporation and the related member did not have as a
2 principal purpose the avoidance of any portion of the tax due under this title; and

3 (ii) the interest expense or intangible expense was paid pursuant to arm's
4 length contracts at an arm's length rate of interest or price; and

5 (iii) during the same taxable year, the related member directly or
6 indirectly paid interest expense to, or the interest expense was accrued or incurred by, a
7 person who is not a related member;

8 (iv). the related member was subject to a tax measured by its net income
9 or receipts in the District, a state or possession of the United States, or a foreign nation
10 that has entered into a tax treaty with the United States government;

11 (v). a measure of the tax imposed by the District, a state or possession of
12 the United States, or a foreign nation that has entered into a comprehensive tax treaty
13 with the United States government included in the interest expense or intangible expense
14 received by the related member from the corporation; and

15 (vi). the aggregate effective tax rate imposed on the amounts received by
16 the related member is equal to or greater than 4.5%; provided that a related member
17 receiving the interest or intangible payment shall not be considered to be subject to a tax
18 merely by virtue of the related member's inclusion in a combined or consolidated return
19 in one or more states.

20 (C) A subtraction from federal taxable income is allowed from the taxable
21 income of a corporation equal to the amount received as royalties, interest or similar
22 income from intangibles from a related member, to the extent the related member, with
23 respect to the payment, is denied a deduction under paragraph (A) of this section or a

1 similar deduction denial or addition modification of a state, possession of the United
2 States or of a foreign nation that has entered into a comprehensive tax treaty with the
3 United States government for intangible expenses or interest expenses paid to related
4 members.

5 (D) Definitions:

6 (i) "Intangible expense" means:

7 (I) an expense, loss, or cost for, related to, or in connection directly or
8 indirectly with the direct or indirect acquisition, use, maintenance, management,
9 ownership, sale, exchange, or any other disposition of intangible property, to the extent
10 the expense, loss, or cost is allowed as a deduction or cost in determining taxable income
11 for the taxable year under the Internal Revenue Code of 1986;

12 (II) a loss related to or incurred in connection directly or indirectly
13 with factoring transactions or discounting transactions; or

14 (III) a royalty, patent, technical, or copyright and licensing fee; or any
15 other similar expense or cost.

16 (ii) "Intangible property" means patents, patent applications, trade names,
17 trademarks, service marks, copyrights, and similar types of intangible assets.

18 (iii) "Interest expense" means an amount directly or indirectly allowed as a
19 deduction under § 163 of the Internal Revenue Code for purposes of determining taxable
20 income under the Internal Revenue Code of 1986.

21 (iv) "Related entity" means a person that, under the attribution rules of § 318 of
22 the Internal Revenue Code of 1986, is:

23 (I) a stockholder who is an individual or a member of the stockholder's

1 family enumerated in section 318 of the Internal Revenue Code of 1986, if the
2 stockholder and the members of the stockholder's family own directly, indirectly,
3 beneficially, or constructively, in the aggregate, at least 50% of the value of the
4 taxpayer's outstanding stock;

5 (II) a stockholder or a stockholder's partnership, limited liability
6 company, estate, trust, or corporation, if the stockholder and the stockholder's
7 partnership, limited liability company, estate, trust, or corporation own directly,
8 indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of
9 the taxpayer's outstanding stock; or

10 (III) a corporation or a party related to the corporation in a manner that
11 would require an attribution of stock from the corporation to the party or from the party
12 to the corporation under the attribution rules of section 318 of the Internal Revenue Code
13 of 1986, if the taxpayer owns directly, indirectly, beneficially, or constructively, at least
14 50% of the value of the corporation's outstanding stock.

15 (v) "Related member" means:

16 (I) A person that, with respect to the taxpayer any time during the year, is
17 a related entity;

18 (II) A component member, as defined in section 1563(b) of the Internal
19 Revenue Code of 1986;

20 (III) A controlled group of which the taxpayer is also a component; or

21 (IV) Is a person to or from whom there is attribution of stock ownership in
22 accordance with section 1563(e) of the Internal Revenue Code of 1986.

1 (vi) “Aggregate effective tax rate” means the sum of the effective rates of tax
2 imposed by the District of Columbia, states or possessions of the United States, and
3 foreign nations that have entered into comprehensive tax treaties with the United States
4 government, where a related member receiving a payment of interest expense or
5 intangible expense is subject to tax and where the measure of the tax imposed included
6 the payment.

7 Sec. 7036. The provisions of this paragraph shall be effective for taxable years
8 beginning after December 31, 2008.

9 Sec. 7037. Fiscal impact statement.

10 The Council adopts the fiscal impact statement of the Chief Financial Officer as
11 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
12 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 SUBTITLE K. ECONOMIC INTERESTS IN REAL PROPERTY
15 CLARIFICATION.

16 Sec. 7038. Short title.

17 This subtitle may be cited as the “Economic Interests in Real Property
18 Clarification Amendment Act of 2009”.

19 Sec. 7039. Transfers of economic interests in cooperative housing associations.

20 Subsection 302b(a) of the Real Estate Deed Recordation Tax Act of 1962,
21 approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102.02), is amended by
22 striking the phrase “transfer of an economic interest in real property:” and inserting in its

1 place the phrase “transfer of an economic interest in real property, including shares in a
2 cooperative housing association.”.

3 Sec. 7040. Fiscal impact statement.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer as
5 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
6 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 SUBTITLE L. TAX DEDUCTION.

9 Sec. 7041. Short title.

10 This subtitle may be cited as the “Tax Deduction Amendment Act of 2009”.

11 Sec. 7042. Homestead deduction.

12 Chapter 8 of Title 47 of the D.C. Official Code is amended as follows:

13 (a) Section 47-850(a)(1) is amended by striking the phrase “deduct \$64,000,
14 increased annually, beginning October 1, 2008, by the cost-of-living adjustment (if the
15 adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of
16 \$50),” and inserting in its place the phrase “deduct \$67,500,”.

17 (b) Section 47-850.01(a)(1) is amended by striking the phrase “\$64,000, increased
18 annually, beginning October 1, 2008, by the cost-of-living adjustment (if the adjustment
19 does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),” and
20 inserting in its place the phrase “\$67,500”.

21 Sec. 7043. Standard deduction and personal exemption.

22 Chapter 18 of Title 47 of the D.C. Official Code is amended as follows:

23 (a) Paragraph 47-1801.04(26) is amended as follows:

1 (1) Subparagraph (A) is amended by striking the phrase “, increased
2 annually, beginning January 1, 2009, by the cost-of-living adjustment (if the adjustment
3 does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),”; and

4 (2) Subparagraph (B) is amended by striking the phrase “, increased
5 annually, beginning January 1, 2009, by the cost-of-living adjustment (if the adjustment
6 does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),”.

7 (b) Section 47-1806.02 is amended as follows:

8 (1) Subparagraph (f)(1)(A) is amended by striking the phrase “, increased
9 annually, beginning January 1, 2009, by the cost-of-living adjustment (if the adjustment
10 does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),”; and

11 (2) Subsection (i) is amended by striking the phrase “, increased annually,
12 beginning January 1, 2009, by the cost-of-living adjustment (if the adjustment does not
13 result in a multiple of \$50, rounded to the next lowest multiple of \$50)”.

14 Sec. 7044. Fiscal impact statement.

15 The Council adopts the fiscal impact statement of the Chief Financial Officer as
16 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
17 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
18 206.02(c)(3)).

19 SUBTITLE M. TAX COMPLIANCE.

20 Sec. 7045. Short title.

21 This subtitle may be cited as the “Tax Compliance Act of 2009”.

22 Sec. 7046. Title 47 of the D.C. Official Code is amended by adding a new
23 chapter 47 as follows:

1 “(a) The Chief Financial Officer may establish a program to provide amnesty to a
2 taxpayer liable for the payment of certain Title 47 tax for returns or reports required for
3 tax periods ending prior to January 1, 2009. The specific Title 47 tax and the specific
4 dates for the period of relief shall be determined by the Chief Financial Officer.

5 (b) Those deemed eligible may receive amnesty from the imposition of any fee
6 under §4405, any fine or other civil or criminal penalty authorized under chapters 41 or
7 42 for the failure of the taxpayer to file a return or report, or pay a tax due for certain title
8 47 taxes on a return or report that was required to be filed for tax periods ending prior to
9 January 1, 2009.

10 (c) The Chief Financial Officer is authorized to implement and administer the
11 program for amnesty under this section.

12 (1) The Chief Financial Officer may determine the specific dates for the
13 amnesty period.

14 (2) Excluding title 47 real property fees and taxes under chapters 8, 9 and
15 12, any title 47 payments in lieu of real property taxes and ballpark fees in chapter 27B,
16 the Chief Financial Officer may determine the specific tax types for which amnesty shall
17 be granted

18 (3) The Chief Financial Officer may require a taxpayer seeking amnesty
19 to submit such documents or records as the Chief Financial Officer deems necessary to
20 determine the truthfulness or accuracy of a return or report filed pursuant to this section,
21 or may subject any return or report filed pursuant to this section to the same audit
22 procedures to which a return or report for the tax type is subjected.

1 (4) The Chief Financial Officer is authorized to issue such rules and
2 regulations as may be necessary to interpret, administer, and enforce the provisions of
3 this section.”.

4 Sec. 7047. Fiscal impact statement.

5 The Council adopts the fiscal impact statement of the Chief Financial Officer as
6 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
7 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
8 206.02(c)(3)).

9 SUBTITLE N. RECOVERY ACT TAX DEDUCTION DECOUPLING.

10 Sec. 7048. Short title.

11 This subtitle may be cited as the “Recovery Act Tax Deduction Decoupling Act
12 of 2009”.

13 Sec. 7049. Decoupling from certain changes made by Recovery Act.

14 Section § 47-1803.02 is amended as follows:

15 (a) Subsection (a) is amended as follows:

16 (1) The lead-in language is amended by striking the phrase “The words
17 "gross income" shall” And inserting in its place the phrase “Except as provided in
18 subsection (a-1), the words "gross income" shall”; and

19 (2) Paragraph (2) is amended by adding a new subparagraph (Y) to read as
20 follows:

21 “(Y) Computations of discharge of indebtedness income under
22 section 108(i) of the Internal Revenue Code of 1986.”.

23 (b) A new subsection (a-1) is inserted to read as follows:

1 “(a-1) For the purposes of the deduction for state sales and excise taxes on the
2 purchase of certain motor vehicles, the words "gross income" shall have the same
3 meaning as defined in § 61 of the Internal Revenue Code of 1986, as that section existed
4 on December 31, 2008.”.

5 Sec. 7050. Fiscal impact statement.

6 The Council adopts the fiscal impact statement of the Chief Financial Officer as
7 the fiscal impact statement required by section 602(c)(3) of the District of Columbia
8 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
9 206.02(c)(3)).

10 TITLE VIII. EFFECTIVE DATE.

11 Sec. 8001. This act shall take effect following approval by the Mayor (or in the
12 event of veto by the Mayor, action by the Council to override the veto), a 30-day period
13 of Congressional review as provided in 602(c)(1) of the District of Columbia Home Rule
14 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)),
15 and publication in the District of Columbia Register.